P241

G.R.S. [X—5]

Previous references.

Police 185-20 (1-6).

" 285-21 (1-2).

Later references.

Police dep no 348-23.

1920.

(Police)

File No. 185-20

Serial Nos. 1-4-7-9

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 17

Part B for November 1923

SUBJECT

Rioting case at Edwardsmere on the 16th June 1921.

G.O.M.P. 2361-3 of 3-11-23.

To the High Ct court
" SS of police
" Complt.

Passing orders on the conduct of certain officers in connection with the rioting case.

Maharawaring Singh

1-9/11/23.

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 785-20

FILE HEADING.

Disturbances in Chintamani

From

Khaji - Syed Kasim, Chintamani

No. Telegram Dated 21. 6. 1921 Received 25. 6. 1921

Diary No. 26643	Enclos. — Spare Copies. —	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Complains that the Police have behaved high-handedly during the procession of Sowcar Balamaiah that they entered mosque wounded one devotee offering prayers that they have forbidden Mahomedans from entering mosque for three days and prays for the transfer of the Sheristadar Police officers for the sake of justice.

NOTES AND ORDERS.

Notes Orders

NOTES—First Sheet.

Police 185-20 (2

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

7370
22/6/21

For perusal
and remarks)
22/6/21

Hd
23/6.

Legis.
25-6-21.

Sec. 2)

From the D.G.P. Police
No. 2959 d/ 22.6.1921
Forwards copy of
D.O. letter of 17-6-1921
received from the
D.S.P. Kolar Dist-
re disturbance
caused by Mahomedans
of Chintamani (near
the Arkalkhana when
a Vaisya marriage
procession took place
on 16.6.1921 at 7-30 PM
Noted for perusal.
Sd) P.M.
23/6
2nd Member
Perusal Sd) M.A.M
23/6
Sd) M.D.L
10.7.21

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

-2665 (3

G. R. S. III-2.

General and Revenue Secretariat. Police File No. 185 of 1920.

Serial No.	
3	From the Mahomedan Assocn of Bowringpet Tel d/ 22-6-1921 (with Pte Secy's Memo No 3293 d/ 23.6.1921) State that Chinta-mani Police have forbidden Mahomedans from entering the Mosque & participating in prayers, ~~and~~ that Police interference is uncalled-for, and that the high-handed behaviour on the part of the Police concerned require severe notice.
3)	Subd for favour of perusal. A detailed report regarding the disturbance received from the D. G. of Police has been perused by the Member and is now before the Dewan.
4)	A joint report of the D of Police & the Dy Comr. Kolar Dt. has also been received today & laid before the 2nd Member. Subd for perusal
2nd Member 5)	Further enquiries called for in this matter which is awaited.

The file has been returned with the papers

NOTE—Contn. sheet.

G. R. S. III-2,

General and Revenue Secretariat.

Police File No. 185 of 1920.

Serial No.	
	6) Subd for perusal. D. M. 1/7
9 1-7-21	2nd Member 2/7 M 7) Mano with file D. M. 4/7
4	From the D. G. of Police No. C 2459/20-21 d/25-6-1921 forwards copy of the F.I.R. in the riot at Chintamani & also that of the charge-sheet presented to the Court of the First Class Magte, Chikballapur

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Police File No. 185 of 1910.

Serial No.

7629
25.6.11.

The report is very disappointing. It would have been desirable had the disturbance arose what was the real cause of it, and whether it could have been avoided or not by timely precautionary measures adopted by the Police & the Local Magistrate. It would have also been desirable had the Police & Magistrate it could not have been avoided. The report should have also contained information as to how many persons were injured on both sides, and what the nature of their injuries is & how the latter should have been caused. A detailed report may be submitted upon the above points and also in regard to the conduct of the Police upon the occasion from the information as to the Police. The allegation about the unprovoked and illegal handcuffing should be enquired into & rebutted. It cannot avail the accused in any way to plead that he was handcuffed by the Police, if such was the case, and should also be submitted by adducing the necessity for ordering his detention & the necessity for detaining him for 3 days & whether he came to any conclusion could not have been obtained by keeping the Police men at his disposal.

The Assistant Magistrate to submit report within a week from the receipt of this order - & the order to

The accused will in no way affect his prosecution or conviction if he succeeds in his defence -

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

Police File No. 181 of 1921.

Serial No.

26789

(1)

to communicate direct-generally this District Magistrate a copy of the case that I may inquire who will forward his same with his remarks thereon.

10) Also that this District Magistrate may also be known that report in his Madras mail in which it is stated that when the police [illegible] was taken to round in the street with means, he was done [illegible] caused near his house and he may be asked whether there is any truth in this statement.

Init
30/6.

11) Draft - [illegible]
1.7.21. D. M.
1/7

Dmld

12) A D.O. letter as per Member's minute above is needed for approval

SER Dpt.
2/7. Received.
D. M.
2/7

13) It is for consideration whether the inquiry now ordered may not likely not affect the conduct of the case in the Criminal Courts or complicate matters to some extent. Most of the points now mentioned are likely to be fully brought out in the course of the Magisterial inquiry into the charges the result of which may, perhaps, be awaited.

14) (Draft is in accordance with orders, placed in file) [illegible]
2/7

2nd Member

6d
4.7.21

NOTE—Contn. sheet

G. R. S. III-2)

General and Revenue Secretariat. | Police File No. 185 of 1920

Serial No.

62

(5) That the inquiry is not entitled to stoppage of murder enquiries is a fact and that there was a disturbance and the police and processions were attacked and injured is also a fact. The disturbers of public peace have been proceeded in respect of this and the further inquiry called for cannot therefore affect the prosecution. As to whether the disturbance could have been avoided by the adoption of timely precautionary measures as to whether there was any timely information and makers enquired into Copies are of the inquiry. There is no necessity for the inquiry under the Act of 1908 to be kept secret and there is no reason why to make an enquiry upon the point because they are not in issue. The A department enquiry only will elucidate these facts. The inquiry by the Committee and the Defence may be made use of by the prosecution, if the Committee notes such of the facts in their depositions which is in their opinion are relevant to prove the prosecution case and these may be deleted.

A

(6) I believe there is a tendency now that such cases are to be reported to the Residency. The fact seems to have lost sight of. Please put up this to Mr. Fuller enquiring from Head Quarters if necessary in this case.

B.

Note?

To absolve fact of the disorder of the inquiry to public servants.

NOTE—Contn. sheet.

F. R. S. III-2.

General and Revenue Secretariat.

Police File No. 185 of 1920

26743

(8)

Serial No.

Re A.(7) I am respectfully of opinion that the following inquiries on points may be omitted.

(1) The causes that led to the disturbance. This is bound to come out in the Magisterial inquiry & to form the subject of lengthy exam^n & cross-examination.

(2) Inquiring into the conduct of the Police and allegations of corruption and high-handedness on their part. This will require elaborate exam^n of witnesses &c, and seems best avoided when the prosecution is going on separately.

(3) The necessity of closing the bazaars for 3 days. The Dy Master's order could have been cancelled by the Appellate or revisional Magistracy, if necy. It may not be desirable to initiate an inquiry by an order from Govt.

(8) Barring these items omitted, the draft may perhaps be approved.

Re B, Attention is invited to the G. O. quoted at page 246 of the Standing Orders of Govt Vol I. Office will furnish further orders, if any.

hm 5:7

NOTE—Contd. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. 185 of 1920

Serial No.

Subd.

20) There does not appear to be any further G.O. beyond that of 12th Dec 1900, printed in the Standing Orders of Govt.

If this is considered a "riot involving serious breach of the public peace" it may have to be reported. But the tendency seems to be to restrict reports to grave cases, possibly in pending cases. hm 24/7/21

SBR 9/7

Rec'd 9/7

2nd member

D.M. 9/7

hm 9.7.21.

D.M. 9/7

21) Mason puts up draft to-day by 4 p.m.

D.M. 11/7

for II Members after please see. the Revenue [illegible] 9/7

11.7.21 hm

22) Draft Subd for appb

SBR 11/7 HH

D.M. 11/7

Rec'd

2nd member

23) Draft approved

hm 12.7.21

3824 12.7.21

24) As regards his appointment Residency please note his cases in which appointments have been made in previous accountability Residency

D.M. 12/7

hm 12/7

26) Mason D'Souza to-day to re-submit with the information required

D.M. 13/7

NOTE—Contn. sheet.

1921. (19

G. R. S. III-2.

General and Revenue Secretariat. | Police File No. 185 of 1920

Serial No.	
4	To the D. S. Gokak Dt D. O. No. 222 dt 13.4.1921 Calls for a report on certain points To the D. S. Police No. 223 dt 13.4.1921 Forwards copy of the above
8	From the I. G. of Police No. C 2959/VI dt 15.7.1921 States with reference to the above Memo that the enquiry into the cause of the disturbance at Chintamani might be postponed till the case now pending is disposed of, & that the other points might be investigated.
27)	Subd for perusal & orders. Police files.— 108-15, 216-16 & 180-18 in which communications have been made to the Residency are put up with reference to para 25.
28)	Subd for perusal.
29)	2nd Member Secy. ~~Recommends that such permits cannot be granted by the Residency in future~~

446 18/7/21

NOTE—Contn. sheet.

1921/4294/G.S.&R./S.21

G. R. S. III-2.

General and Revenue Secretariat. | Police File No. 185 of 1920.

Serial No.

30) The D.M's report has not been received up to date. Draft D-form by way of reminder is sent, as ordered in the linked file.

31) Issued D.M. 2/8

Issued No. 2531 d/ 2.8.1921

From the D.M., Kolar
D.No. C.C.10 d/ 2.8.1921
States that information on one or two points is awaited & that the report would be sent by about the 7th inst.

32) In the meanwhile printed copies of memorials, purporting to be signed by the Muhomedan residents of Koratagere, Devarhalli, Mulbagal, Robertsonpet, Srinivasapur, Tiptur & Madigere, complaining upon the recent disturbances in Chintamani and praying that the misdeeds of the Police Department may be thoroughly investigated by a committee of officials and non-officials specially

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. 185 of 1920.

Serial No.

appointed for the purpose have been received and are put up below:

23) Subd for perusal and orders

5/8

W 8/8

34) The reports from the D.M. may perhaps be awaited.

2nd Member. D. M. 10/5

1093 10.8.21

35) The District Magistrate promised to send his report by the 7th inst. Today is the 15th & his report has not apparently been received. The Govt Secretary has been asked him to expedite his report in another telegram. The Govt Secretary will send a copy of the District Magistrate's report as soon as received; the District Magistrate should take no more time to report.

Sd/ 15/5/21

36) The D.M. sent a wire on the 15th inst. expressing regret for the delay & this has also been perused by the Member. A draft D.O. is also sub-

NOTE—Contn. sh-

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. 185 of 1920

Serial No.	
	for appln as per members index above. D. M. 1/8/21 Chief Secy 37) As above noted 1/8/21 38) Please do the needful Issued No. 9853 d/ 19.8.21 D. M. 19/8
9	From the D. G. of Police No. ROC 2959/20 d/ 26. 8. 1921 Forwards report of the Deputy Commr with his remarks re the riotous disturbances
10	From the same No. C 2959/20 d/ 27/28. 8. 1921 Forwards copy of the list of persons injured with copies of reports of the D.S.P., & the Assistant in the matter received from the D.C., Kolar. 39) Sir, for perusal with reference to paras 8 & 9 & orders. SKR 30/8 30/8 (Rev. Secy). 2nd member. DCS 30/8/21 31.8.21.

NOTE—Contn. sheet 16.9.21.

(114

R. S. III-2]

General and Revenue Secretariat.

Police File No. 185 of 1920.

Serial No.	
2026. 16.9.21	(a) An important case like this should have been fully noted upon by the Secretary before it was submitted for orders. He should not have been content with passing a few disconnected remarks which by no means help us — the discussion of the case.
A	(b) As the 1st. Member is in charge of the Police portfolio, this case may be submitted to him for orders.
	Init. 16/9
× G	(c) With reference to A above, I may be kindly permitted to explain that on the receipt of this pet.ⁿ from certain ~~Moslem~~ Mahommedan subjects of the State, (numerous printed copies of which pet.ⁿ were recd. from several parts), the 3rd member was pleased to refer the matter to the Chief Secy. for discussion, and the latter has also noted that he had spoken to the member. Again, the Chief Secy was said to have written to the Commr to expedite his report, in another connection, and

NOTE—Contn. sheet.

Serial No.

he (the Ch. Secy) was further asked to send a stiff reminder to the D.C. (para 35 of the Judgment) As it thus seemed to me that the case was perhaps intended to be dealt with by the Ch. Secy, particularly having regard to the personal discussion on the petn, I felt that the subject may be left to be dealt with according to any instructions that may be issued.

(44) It will be seen that, in the earlier stages, there was no omission to note on the several points involved in the case, and the present report will also be, now, examined and put up.

3rd member) 21/9 21.9.21 19.9.21

2075 20-9-21

(45) Information was asked for, on the follg points :-

1. The causes of the disturbance.

After narrating the previous history of the case, the Dt Collr says that according to persistent rumours, the occurrence was due to a last determined effort, on

the part of the Vaisyas to establish their admitted right, presumably with the help and assurance of the local Officers. With regard to this, it may be noted, ~~that~~, in the first place, that the right of the Vaisyas ~~is admitted on~~ is supported by lawful authority, though its exercise had been held in abeyance, and, secondly, that, as admitted by the Dt Court, he has not inquired into these matters, but has simply noted what he had heard. For this reason, it seems to me that, as stated by the Dy. S/Police, the suspicions cast on the Police can not be accepted, in the absence of their explanation and specific inquiry.

2. Whether the disturbance could have been avoided by timely precautionary measures. From the circumstances narrated in great detail by the Dt Court, and the reasons adduced by him, his finding that the ~~right~~ riot might

G. R. S. III-21

General and Revenue Secretariat.

File No. 183 of 1928

Serial No.

have been averted, if the several Officers had been on the spot, appears to be supported, to some extent, at least. But, with regard to this also, it has to be noted that the explanation of the Offrs is not on record.

3. The necessity of firing. The 1st Court considers that this was unwarranted. But, for the reasons explained by the Insp.Genl, it would seem that this action on the part of the Police was justified.

4&5. The number of persons injured, and the manner in which the boy was wounded. The reqd. information has been furnished. (The Statt. has, however, not been received).

6. The necessity for closing the mosque. The concurrent opinion of the 1st Court & the Insp.Genl. is that the Asst Magte's order was not justifiable. This view is, it seems to me correct. But, if the Asst Magte did not exercise his discretion properly and his order was wrong,

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

490/9

P.R. File No. 183 of 1920.

18

Serial No.

the course open to the aggrieved party was to appeal to the Dist. Magte. No such thing was, however, done and it is not clear whether (the correctness or otherwise of order) a judicial act of the Magte can be discussed departmentally.

(4) Finally, I may be permitted to invite reference to the notes at paras 13 & 17, regarding the inquiry at this stage, when the case of rioting is pending before the Courts. When the said cases are disposed of, further departmental action may, if found necessary, be taken up. This would seem to be in accordance with the usual practice in such matters.

MM 23.9.21.

(5) (1st Member) Please return the file for the Inquiries. 23.9.21

(6) The Memorial may be replied that it can be disposed of by Magte when the rioting case is closed. Have that letter issued.

MM 26/9

(7) Agree. Memorial to Dewan, with my letter of even date. MM 26.9.21

24.9.21 MM 26.9.21 26.9.21

64 24/9

DEWAN'S OFFICE.
Rcd. on 26 1921
Reg. No. 2012

(5) Inquire informally whether, if possible, the Dt. Magte appeals have been removed from the Chikkanayakanahalli Magte's Court to the Kolar Dt. Magte's Ct. MM

NOTE—Contra-statement

G. R. S. III-2]

General and Revenue Secretariat.

RR File No. 185 of 1920

Serial No.	
11	From the Vaisya residents of Chintamani, Petn dt 24.9.1921 [thro' the Pte. Secy to H.H. the Maharaja with Memo No. 7341/29.9.21 State that the memorial submitted by the Mahomedan subjects in the State re the disturbance in Chintamani town contains many misrepresentations and pray that the disputes between the two communities may be brought to a close by the closing of the main entrance in Hospet and opening another in the Masjid road Dewan's order:- (46) (Please submit to the Members (47) Sd/ 4/10 Sd) MR. 3.10.21

NOTE—Contn. sheet

Police 185-20 M 1723 (47)

No. 734
Encl 2

OFFICE OF THE PRIVATE SECRETARY TO
H. H. THE MAHARAJA OF MYSORE.

DATED 29th September 19121.

Rec 30.9.21
Sent by hand
Please send
your number
and date

OFFICE OF THE DEWAN OF MYSORE.
Date of Receipt 3.10.21
Petn. Regr. No. 982

3.10.21

55
5.10.21
(180 members).

hm
4.10.21.

Memorial dated 24th September 1921 from Subbayya and other Vaisya residents of Chintamani, is forwarded with compliments, to the Dewan of Mysore, Mysore, for favour of disposal.

By Order.,

Private Secretary.

48) Immediate Memo
If this is a police
matter. Sp

49) The Secretariat may
submit a brief after
Note case in 7 days.
I don't know if
any of the Memorials
can be disposed of
Spl as both incidents
are connected
So I may be ready to
issue police orders -
Movement future handle

Asst Secy (Police)
hm
6.10.21

8.10

8/10/21

1923

(27)

General and Revenue Secretariat. | Police File No. 185 of 1920.

Serial No.

51) Questions connected with processions & licenses therefor are dealt with as a Police matter. Hence a process as called for is unnecessary.

18/10

52) Please keep a typed copy with the alterations made when submit to the 1st member.

Cag
11.10.21.

Subd -

Gen' Secy
1st member

Cag
12.10.21

53) Re, the points contained in the petition of the Muhammedans, the results of the local enquiry made by the Dt Court, & the D.I.G. of Police are before Govt - also the views of the said officers on the several points referred to them for report. The opinion is expressed in the Notes that it is not expedient to go into the questions now, the criminal case being under enquiry in the magisterial courts.

54) Re, the petn of the Vaisyas, it is seen that their main object, as explained in para 3 of their petn,

NOTE—Contn. sheet.

is to correct the "serious misrepresentations" in the pet^n of the Muhammadans, and to narrate "the facts supported by Govt. orders from time to time". In the last para, 16, they further pray that orders may be passed for closing a certain entrance to the Mosque, and opening another, as suggested by the Dist. Magte in 1902.

55) The points for consideration, therefore, now seem to be; whether any orders should be passed at present on the reports received in the case, and if so, what should be the finding on each of the points, or whether all action or orders should be deferred till the disposal of the Criminal cases in the Magisterial Courts.

(1st member) 56) I think this may be kept with the last cover. Please submit to Hon. Dewan

22
13.10.21

DEWAN'S OFFICE.
Recd. on OCT 15 1921
Reg. No. 2287

(Dewan) 57) Yes. I agree. Let this remain with the last cover.
14.10.21

NOTE—Contn. sheet.

17.10.21.

4874 1.5.22 (1923 23

[S. III-2]

General and Revenue Secretariat.

File No. 185 of 1922.

Serial No.

59) Draft of a reminder is subd. SBR 17/4

60) Issue cur 18/4

18/4 WD

D.O. Remainder issues No. 4838 of 20.6.22

JUDICIAL BRANCH. 21/4 WD

Letter No R.J.C 736 dated 19.5.22

12 From

The Dt. Magistrate, Kolar

Submits an ad-interim report stating that 26 out of the 33 accused under sections 147, 326/149 I.P.C in the Chintamani disturbances stand charged & that the case is posted for defence to 1.6.1922.

61) Put. Further report will be awaited.

Bme 22/5/22 SBR

61) Yes. cur 23/5

D.O. Letter No R.J.C 121-22; 26.6.22

From The District Magistrate Kolar &

Write refer to this office reminder letter dated 21.6.22 re the disposal of Chintamani rioting case, invites refer to his letter of 19.5.22 reporting

JUDICIAL BRANCH 22/5 A 2270

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

4765/9 1190 (20+24

Police File No. 1857 of 1920.

Serial No.	
	That the case has been posted for defence 6th 1.6.22 & request that the Mr Chennaraj Urs may be kept in Chintamani till the case is disposed of.
64)	The retention of Mr Chennaraj Urs has been ordered in the C.B. Section Subd for perusal.
Issue 30.6.22	64x) The Sessions may perhaps be asked to report the result of the trial before the Special Magte (Mr. Chennaraj Urs) along with a copy of the Judgment in the case.
ASR 30/6	65) Issue cas 1.7.22
13	To The S. P. of Police P. 76 of 5.7.22
Subd for 2 months ASR 8/7	Calls for a report re the result of the trial before the Special Magte (Mr. Chennaraj Urs) along with a copy of the Judgment in the case.
14	From the Same. No. C-2959/20 dt 26/7/22. Re 1922 States that 23 out of the 26 accused were convicted under Sec 147 I.P.C. & sentenced to 6 months R.I. & that they were also convicted under Secs 326 & 149 I.P.C., &

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Police File No. 185 of 1922.

1190 P

(2) (25)

Serial No.

Sentenced to one week's R.I & a fine of Rs 10/- & that they were also bound over under Sec 106 Cr. P.C. for 2 years with sum of Rs 100/- each & one surety for the like amount.

66) Submitted with reference to paras 66 and orders in paras 55 to 57.

30/8 A.G.G.

A copy of the judgment in the case may have to be called for.. Impersonal

(Gen Secy)

cas 4.9.22

1401 7.9.22 Second Member & Dewan

13/9 b 6.9.22

cas 6.9

DEWAN'S OFFICE. Rcd. on SEP 14 1922 Reg. No. 1813

b 14/9/22

cas 14.9.22

67) copy of judgment may be called for. Perhaps there is a newspaper on the subj. in the papers

14.9

A.S b 23/9/22

67) Draft with refee to para 67 is submitted

68) Draft cas 23/9

70) Issue cas 29.9

26/9 A.G.G. 27/9

NOTE—Contn. sheet

1757 -- (280

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. 185 of 1920

Serial No.

Camp No: P. 15 dt. 30.9.22 to the Dy. Whin calling for a copy of the Judgment in the Chintamani Murder case

Letter No: C. 2959/20 dt. 27.9.22 from the Dy. of Police, ~~Cuttack~~ forwarding a copy of the Judgment in the above case.

1) Read with reference to the Dewan's note (para 67) in the previous page

2) Reference is invited to pages 9, 24, 225 of the Judgment.

3) Reference, Dewan's order of 19-9-22.

Gen Secy)

Cey 8/10

4) A more complete note than the above appears to be required. Paras 43, 53, 54, 56, 57 of the notes should be read with para 67 containing the Dewan's order of 19.9.22 Para 50 may also be looked upon. A short but apt note on the points requiring

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

1092/5148

(27)

Police File No- 185 of 1920

Serial No.	
	Orders at present as B/L 16 to 22
16	From the D. G. of Police No. D1 Dis 295/22 d/ 7.4.1923 states that judgment in the Chintamani rioting case was passed by the Chief Court on 22.3.1923 confirming the convictions & sentences of the lower court in respect of 15 accused & setting aside the same as regards the remaining 8 accused.
17	From the D.M., Kolar Dist No. 1593 d/ 4.4.1923 forwards copy of the judgment of the Chief Court in the case.
75	Subd for perusal 3/5
76	Respectfully that this file has remained unattended to from 16th Oct 1922 till to-day when I called

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | Police File No. 185 of 1920.

Serial No.

for it. a full note showed the
upon the several points involved
in the case, viz. (1) the ~~point~~
raised in the letter to the
D.C. Kolar dt 13.7.21, and
dealt with in the D.C.'s
letter forwarded with S.P.'s
No R.O.C. 2959 dt 26.8.21
(2) the several petitions and
representations from the
Vaisyas & Muhammadans.
(3) the adverse remarks
against the Amildar contained
in the last para but one
of the Addl Cas judgment
against the Amildar & the
D.S.P. in the judgment of
the Chief Court. With reference
to the latter the explanations
of the ~~Addl~~ Amildar & the
the D.S.P (Mr Jagal Rao) have been
received, as also the records
of the case in the Chief Court.
These are placed below:-
I would like to have the M.R.'s
noted by the 6th inst

3/5/23

NOTE—Contn. sheet

27/29

General and Revenue Secretariat. | Police File No. 185 of 1920.

Serial No.

78) A brief precis of the case, dealing with the several petitions from both parties, reports of the several officers both before and after certain definite information was called for, and the opinion of the then General Secretary, is on the file. (Flag)

Pages 12 to 15 Opinion notes

79) The points raised by the Chief Secretary are :-

A

(1) Information called for ~~Questions raised~~ in the letter of 13-7-21 to the Deputy Commissioner of Kolar & the reply sent by him, through the Dy of Police.

Information had been called for, on the following points :—

(a) the cause of the disturbance,

(b) whether the riot could have been avoided by the adoption of timely precautionary measures by the Police and the Magistrate

(c) the necessity for firing and whether this could not have been avoided,

(d) the number of persons injured and the nature of injuries,

(e) the manner in which the Mussalman boy received the ~~injury~~ wound,

(f) the necessity for closing the mosque, and whether this could not have been avoided by timely precautionary measures.

NOTE—Contn. sheet.

G. R. S. III-2]

90
30

General and Revenue Secretariat. | Police File No. 185 of 1920.

Serial No. 90

Flag B

"his enquiry [illegible] as the first point (Flag B) in the [illegible] and the [illegible] two [illegible] the [illegible]

91) As regards # (a), the Dy has no opinion to offer, though he has considered the point in his letter of 26-10-1921. The Deputy Commissioner considers that the Vaisyas attempted to take a procession with music in front of the mosque, against "Manool", and this resulted in the riot. He has given various reasons in his letter (Flag C) for this opinion of his. Perhaps the chief among them is, that a number of processions passed along the road, without trouble, just a short time before the occurrence. The Deputy Commissioner thinks that the previous processions, desisted from music in front of the mosque or Ashurkhana, either out of courtesy, or fear or both. In this he is to a certain extent supported, as the Vaisyas admit that all the processions passed quietly, and some of them go the length of admitting that in some of the processions music was

Flag C

Flag C

NOTE—Contn. sheet.

stopped before the mosque. During this particular procession, however, it is music that has resulted in the disturbance; and the Deputy Commissioner is of opinion that the Vaisyas would not have ventured ~~on~~ if they had not the support of the Police and the local magistrate. Whatever the immediate cause which is not unearthed — the Asstt Comr who tried the case, and the Dy Sp. Police says — there can be no doubt that it is the question of stoppage of music that has led to the trouble. The Vaisyas had every right to play music, supported as they were by a series of Govt orders. There was a riot, and the Mussalmans were responsible for it, and they have been punished. Nothing more need be said about it. Perhaps the Deputy Commissioner surmise, though based on rumours, is the plausible explanation, as nothing else is suggested.

82) As regards (b) the Dy is of opinion (vide flag C) — and the Genl Secy concurs with him (vide Pages 13&14 flag & Govt. note) — that in the absence of a detailed enquiry and the explanation of the officers concerned; it is not possible

to venture on any definite opinion as to the sufficiency or otherwise of the precautions taken before proceeding with the procession. There has been no detailed enquiry on this point, and the explanation of the officers on this particular point is not on record. The Deputy Commissioner is however of opinion that the riot could have been avoided by the adoption of timely and precautionary measures. In his report (flag ✓) he has gone at great length discussing this point. His main argument is that the officers on the spot, were aware of the precise situation and anticipated trouble in as much as they detailed a posse of a Jamadar and six constables to go with the procession, and perhaps sent them armed also, while in no previous processions were any such precautions taken. This is borne out by the Kasaba station diary. It is said that the same morning, there was an objection even regarding the procession of H.H. Mahabaleshwar photo. Something to this effect was also in the papers I suppose. It is also on record that the Mussalmans, had been

flag ✓ (page 4)

G. R. S. III-21

General and Revenue Secretariat. | Police File No. 185 of 1920.

Serial No.

Consulting lawyers, about the consequences that would ensue, if they interfered with processions playing music before the mosque. The Deputy Commissioner infers that the officers on the spot, were therefore aware of the seriousness of the situation, and could have taken necessary precautions to prevent breach of the peace. So far as the necessity for taking precautions is concerned, there is no question, and the Govt Secy has also concurred in this view. Certain precautions were taken, but as to whether the officers were justified in considering them adequate is another matter. The Dy of Police and the Govt Secy, refrain from expressing any opinion in the absence of the explanation of the officers on the point. The Deputy Commissioner blames the officers, and even suspects their bona-fides, in hoping to have passed the affair off as an ordinary one, without taking necessary precautions. Perhaps the officers considered, what was done was enough. They may not have gauged

Page 13214 of Govt. notes

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | Police File No. 185 of 1920.

Serial No.

the degree of seriousness of the situation. It is rather difficult to do so.

83) As regards (c) — the necessity for firing — the Deputy Commissioner is again of opinion that it was unwarranted, while the Hyd Police and the Govt Secy consider that the firing was justified under the circumstances. Before the Inspector came on the scene, the disturbance had already taken place, people beaten, pandals and lamps broken, and people had retired. There was still some stone throwing at the Police. The D.C. therefore thinks that no firing need have been resorted to. Perhaps the Police themselves were somewhat in a panic, and the firing was meant to disperse the rioters. In this view firing was not quite so very uncalled for.

Flag X (2)

Page 14 of the notes of flag C.

84) As regards (d), a list of 48 persons injured is sent up, consisting of mostly Hindus, with a few Constables and one Mussalman boy aged 14 years or so. This last is the only person belonging to the Mussalman party that is injured, making it apparent that Mussalmans were the aggressors.

Flag D

NOTE—Contn. sheet.

35
35

G. R. S. III-2.

General and Revenue Secretariat. | Police File No. 185 of 1920.

Serial No.

85) As regards the manner in which the Musalman boy received the wound [(e)] it is definitely proved that the wound was due to a ball fired from a pistol. The wound was however, a mere flesh wound. About this, at any rate, the Supdt of Police, and the Amildar, have tried to misrepresent facts. In their D.O's they have both said that the wound might be the result of a piece of broken lamp striking the lad. The wording of the D.O's is careful. The Deputy Commissioner has tried to show, that the Supdt and Amildar knew before they despatched their letters, that the wound was from a bullet. The Doctor's opinion was given in the morning it appears, and even in the night itself, the bullet seems to have been extracted by the Police. There appears to be a mention of it in the Station diary written in the morning before despatch by the D.O.s. (vide D.C's letter flag V)

hide flags E & F

(Flag V)

86) As regards (f) - closing of the Mosque for three days - there is no doubt about its being a high-handed

NOTE—Contd. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | Police File No. 185. of 1920.

Serial No.

Flag C; page 14 of these notes & Flag V (page 6)

action. The Dy, the Cent Secy, and the D.C, are all agreed on the point. As most of the culprits had absconded and were evading arrest, no trouble need have been apprehended. It is not apparent, how the closure of the mosque would have prevented any further trouble. It would on the contrary augment it, and was a wanton act, to a certain extent confirming the various insinuations that the Offrs were under delegation to the Vaisyas.

87) The next point raised by the Chief Secy is about the various petitions & representatives from both parties. An extract of them is to be found in flag L. The object of the Vaisyas as mentioned in the petitions is to throw light on various misrepresentations from the other side. They finally pray that the gate of the mosque, now in particular sheet, may be closed, and a fresh one opened in the masjid sheet. This is a point for order in this case.

Flag L

88) Petitions from numerous mahomedans making various allegations. Bonafides of the Offrs are

NOTE—Contn. sheet.

Serial No.

unpeached; they are charged with riding the Vahanas & taking a procession with music past the mosque, against manoi and when the night prayers were going on. They are further alleged to have entered the mosque, unprovoked, and to have shot at them; they the Mussalmans never took part in the riot, which is absurd; that conduct of the Offrs may be enquired into, &c. case transferred to a Christian magistrate, and sanction given to prosecute the officers &c.

89) That the procession was timed between 7.30 — 8 P.M. is rather unfortunate. Even the next day, though there was no mention of any procession or galivinse in the D.C's report, a procession was taken at 1 P.M. another unfortunate hour, as this and the former hour, correspond with midday and night prayers of mussalmans. The D.C. has based his remarks, about the bona fides of the officers, on this and other considerations. He evidently suspects the bona fides of the officers, though he has not said so in so

NOTE—Contn. sheet.

many words. It was the mussalmans said before the Dy. (vide final report) the officers allowed the processian to stop infront of the mosque, while dancing was going on, and if the Jemadar was parading handcuffs, and challenging the mussalmans to come up if they had mustaches, a disturbance was practically incited. The police officers including the Inspector had loaded arms with them ready for use at a moment's notice. All these Considerations have influenced the D.C in his report.

flag B

Several witnesses in case have deposed to this - though presentation too

90) The last point raised by the Chief Secy relates to the adverse remarks made against the Amildar and Supdt in the Judgments. These have to be considered along with their Explanations (flags M & N). In the Judgment of the Asst Commissioner, the Amildar is said to have shirked his duty and made himself scarce in a most cowardly manner, just at the juncture when his presence was necessary. The Chief Court have also the same remarks

de flags K & J

flags M & N

K

J

NOTE—Contn. sheet.

to make, but they include the Supdt also in their remarks. Both the Supdt and the Amildar emphatically deny that they were absent or shirked their duty.

91). In this connection, the D.'s (flags E & F) of both, the D.S.R (flag O) sent by the D.S.P, their depositions of the Inspector (flag S) and Amildar (flag T) may be perused in conjunction with their explanations. The report of the D.C. (flag V) also throws light on the point. The Supdt admits that he was in the station at the time, conducting inspection at an unusual hour. When the Inspector went to the scene, he promised to follow. Whether he followed after the quelling of the disturbance, or whether he hurried to the spot to discharge his duty as an Officer is to be considered. The Inspector definitely deposes in Court that the Supdt and Amildar came after the disturbance was over, and when he was looking to the wounded boy. He even goes the length of saying that he acted in his own responsibility when ordering

Serial No.

he ordered shooting, as there was no time to wait for orders. The Sipoy now in his explanation tries to make out, that he went a few minutes after the Inspector to the spot, and it was he who ordered the firing. He did not go with the Inspector, as he had to take his revolver with him — hence the delay.

Flag 9

In the F.I.R (Flag O), the Sipoy definitely says that the Inspector went to the spot with weapons and dispersed the mob by firing in the air. At the end of the F.I.R; there is however, a N.B, that he also repaired to the spot and took necessary steps to restore order. When and at what stage he went is not stated. The attempt appears to be to throw the blame of firing on the Inspector if it comes to that, and to take credit for himself for restoring peace. In his D.O. (Flag E) of the next day also, he says that he followed the Inspector. When this not stated & the responsibility for firing is thrown on him. In his present explanation

Flag M

NOTE—Contn. sheet.

he chooses a lesser evil, and corresponds with the story that he ordered firing. The Amildars deposition is about the effect that he saw the Inspector running to the spot alone. The Amildar then seems to have gone in search of the Inspector, and along with him gone to the spot.

92. The Inspector in his explanation says that he must have noted this in the Diary for that date. It is not there. Next, he says that the Asstt Commissioner has made no remarks against him in the Judgment. The allegations before the Magistrate were corruption, high-handedness & he said he was not called upon to say anything about the Inspector. The remarks against the Amildar, however, as the person primarily responsible. The Inspector refers to the petitions of raiyats & their praise of him. This is not in point, as they refer generally to the help given by the Police during those three days. The point in report is silent, as the Dy & D.C. were not enquiring into the conduct of the officers. The position of the Inspector is not tenable and

Serial No.

the remarks of the Chief Court appear to be justified.

93 As regards the Amildar also, the same remarks apply. He has given different versions before different people. Both he and the Supdt seem to have come in after any danger had passed off. His conduct subsequent to the occurrence is also open to objection. Jamadar also is severely criticised by the Magistrate. Points for orders are the following:-

1. Whether any departmental enquiry which was kept in abeyance pending disposal of Cr. complaints, may be ordered.

2. Whether any notice is to be taken of the actions of the Supdt, Amildar, and the Jamadar.

3. Whether the existing gate of the mosque may be closed, and another opened in a different road, as prayed for by Musalmans.

4. Whether Sanction to prosecute any officer may be considered - In the linked file there is an application for it.

5. Whether any further precautions are necessary to prevent any further trouble in Chintamani.

Chief Secy)

Cug 8/57

NOTE—Contn. sheet.

G. R. S. III-2.

(283
'43

General and Revenue Secretariat.

Police File No. 185 of 1920.

Serial No.

94

The above note of the Assistant Secretary gives a lucid summary of the facts and the points for orders. Reference is also requested to the summary previously drawn up.

95. It appears to be fairly clear that the Hindus, while admitted entitled to play music in front of the Masjid, were not actually exercising this right, through bigotry or other causes, and that a few marriage processions held previously must have stopped music in front of the Masjid. (The case is similar to that of Tiptur). The Mahomedans may accept their right to oppose the procession passing with music in front of their building. The Hindus must have counted on the support of the local officials, who were bound to act in the existing admitted circumstances, and must have very probably been encouraged in the belief that the local officials would see that no mishap took place.

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | P.R. File No. 185 of 1920.

Serial No. 96

It seems to me that the disturbance could have been prevented if the local officials. Clearly they were prepared for trouble. The preparations and concentration of the Mohamedans must have come to their notice. They sent out a force of constables with a duffedar & 7 mounted men with arms & ammunition to quell the disturbance. If the local officials had received a little more direction they would either have sent a greater show of force, or prepared & made certain they would have sent for the leading Mohamedans & taken guarantees against a disturbance, or acted at once against any assemblage of Mohamedans at the time. It must have been known that trouble was brewing, and the duty of the local authorities to take precautionary measures will be held to have been culpable.

97. I think that the 2nd of Orders right in saying that there was a necessity for firing. The 87 and

NOTE—Contn. sheet.

Serial No.

suggesting that the police caused disperse the rioters by commencing to fire into the back entrance of the major mosque in question unseen. When once the disturbance had started, ~~it was~~ but that the firing was probably the best thing to be done under the circumstances of the moment: though the no. of rounds fired appears to have been more than was actually necessary.

As regards the conduct of the Civil Officers except the enjoyment of the Civil Magistrate (with the case of the Assistant) and of the Civil Court (with the exception) I concur therein. In spite of their explanations, the remarks of the Judge of the Civil Court appear to be amply borne out by the evidence on record, his previous statements & the probabilities of the case.

98 The Assistant Magistrate was at the time with Corporation Police Guard, 50 or 100 yards from the scene of the occurrence — yet when the disturbance had started he does not

NOTE—Contn. sheet.

Serial No.

at once to the Spot, but sends a private man to go and arrest the Muhamdans! and beyond the Spot ~~after the Inspector~~ later. Hehas cleard behaved in a cowardl manner. His subsequent conduct in adeing the major being abused for three days was highhanded and very objectionable. 99. Regards the hapt as soon as he heard the disturbance it was his duty like the Inspector, boys & the Spt. It cannot for a moment be believed that hewas unaware of the stating affairs & the fear of a disturbance. His presence at that hour was ~~at the Police Office~~ as a public duty with Admr not the Inspector as the alleged but was & suspicion the Office ~~cannot have~~ must have been deliberate. Yet he says he allowed the Inspector boy to first and hurriedly went to his ~~to~~ Camp kept his revolver, and reached the scene of disturbance some minutes after the Inspector. ~~it was not his duty~~ knowing that the Inspector

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

File No. 185 of 1920.

Serial No.

~~a mahomedan~~ cried out that the Mahomedan boy threw stones, and when this was not complied with, the inspector with his permission fired. This is not to be believed. The evidence of the inspector & the Amildar show that the inspector was acting on his own authority & not under instructions of any superior officer. It is clear that both the Sept and the Amildar shirked their responsibility. They must also be held accountable for not having taken effective steps to prevent the disturbance which they could have done by taking due precautions beforehand.

100 The two points for consideration are (1) the request of the Amildar to have another police officer & the majority (2) the application of Mahomedans to prosecute the Sept of Police, Amildar, Inspector & Jamadar.

101 The 1st request may be rejected. The Mahomedans who were guilty have been punished, & an attempt to

NOTE—Contn. sheet.

Serial No.

Change the facilities of the fate
will correspond the employment of
Telegraph. The question of prevent
such instances. The adoption
of special rules respecting the
religious sentiments of all communities
respectively under Consideration.

102 Searches & processes may also be
issued, but remedial applications
action seems be necessary in the
cases of Police (since records
as Annexes for these reasons), & the Annexes.

Lewis

103 My minute of 3.10.21.
& subsequent minute of
1.9.22.

104) The Lieutenant must
& Police delay in taking
action on the papers.

105) There is also a
No letter from S.S.H.
Where is that paper?

106) Office or the Nothing
Concerned.

(1) This is kept with B.
on a single paper.
(2) One record & replies
below were Marked
on note by

NOTE—Contn. sheet.

Serial No.

need of [illegible] the facts
[illegible] are now. —

107) the same memorials & counter memorials with the papers of — which ref to [illegible] have finally settled in the trial. & in no [illegible] further disturbance

108 The conduct of the local [illegible] has like reasons the [illegible] giving [illegible] has also [illegible] gone into. whether the disturbance could have been prevented by adequate precautions has also been discussed. The chief contributing against the officers cannot be based on [illegible] what definite action [illegible] & doubtless may be [illegible] Rebuke [illegible] censured. in C [illegible] Y.P.S. —

3. (a)

(b)

(c)

110) 41 The [illegible] are recommended — [illegible] reasons before stated [illegible] which [illegible] worked up [illegible] There has been much delay

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | PSR File No. 185 of 1920.

Serial No.

(1) Mr Rees—

(1). The copies called for may be submitted.

(3). A draft may be prepared, following the views expressed in the note above

(4) Whether the file pending in Home have a separate routine note about this or whether (1)

Refer the D.O. letters in the C.B. & Report accordingly. Papers

12/5/20

(2) Draft D.O. submd.

A Separate routine note will be submd re (1) & (3).

Asst 16/5 (4) appears to be before the Chief Secy.

Draft is for consideration. It will be typed up, after approval Chief Secy)

cag 17.5

Revised draft is typed up after instructions Chief Secy)

cag 16

This was recd from Mr. Rees after he returned to Delhi on 17th

Personal

Please refer the last para of my note & put to me once more, if you

Rees

NOTE—Contn. sheet.

G. R. S. III-21

51 51

General and Revenue Secretariat.

pol File No. 185 of 1920.

Serial No.

(I am sorry the submission of this has been delayed. The Chief Court records had been taken back by the Judge before the papers in the case of the accused were received back last week)

The papers submitted for consideration

6
1579

Hon'ble Member

I agree generally with his views & conclusions arrived at in the foregoing order with his understanding slight modifications.

I do not think that his Lordship's conduct in his case was open to any serious notice. He had been deputed by his superiors to hear the proceedings taken in Court; and he could not well have objected to or declined his Lordship's requirements were obeyed as his Lordship's instructions with the intention of creating trouble. All that he could do was to have sent intimation of his Lordship's wishes to the Judge, & the Judge, who was responsible for any, & the apprehended trouble; ~~and he~~ might the parties also have

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 145 of 1920

Serial No.

[illegible] that the mahomedans; though born on [illegible] the Moorish, might not go to the [illegible] that they do. on the face of the Scheme Scott accompanying the Memorandum.

2. ii As regards the decisions not to interfere with the present Entrance to the Ark Mosque I [illegible] of the principle & respect to be adopted in respect of Mosques under case such as appeal to the Court in which there have been a long series of decisions affirming the right of the Hindus to go in procession along the streets in question. The point may however be decided when the Case comes up before the Court.

[illegible]
18/9.

[illegible]
18/9

[illegible]

[illegible]
20/9/20

NOTE—Contn. sheet.

53

(For Disposal at a Meeting)

No. C. 126

.....of.....192 .

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.
(Clause v of the schedule)

Conduct of certain officers in connection with the riot at Chintamani on the 16th June 1921.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

20th September 192 3.

Extraordinary Member of Council.

First Member of Council. 23/9

Second Member of Council. Seen.

Third Member of Council.

C126 54 53

Extract from the Proceedings of the 666th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 3rd October 1923. *19*

84. Subject - Clause v of the Schedule.

Conduct of certain officers in connection with the riot at Chintamani on the 16th June 1921.

OPINION OF THE COUNCIL.

The draft as revised in Council may be approved.

(Sd.) A. R. Banerji,
Dewan of Mysore.

"EXTRACT"

Chief Secretary to Government.

WD 1471—GPB—2,000—1-8-21

G. R. S. IV—6]

Submitted to His Highness.

I submit herewith a Final Note by the...Second.... *Member of Council on the subject of*...notice..to..be..taken of the conduct of certain officers in connection with the riot at Chintamani on the 16th June 1921, *for His Highness' gracious approval.* Reference is invited to my minute Dated 11.10.21

Pages 448 & 449 of Office Notes

Dewan.

14 OCT 1921

Final Note by the Second Member of Council.

Subject:—

Notice to be taken of the conduct of certain officers in connection with the riot at Chintamani on 16th June 1921.

There was a marriage procession of Vaisyas at Chintamani town on 16th June 1921. As the procession had to pass in front of the Ashurkhana (which was being used as a Masjid by the Mahommedans of the town) and as trouble was apprehended in connection with the playing of music by the procession in front of the Ashurkhana, a small police staff consisting of the Jamedar, Daffedar and some constables was ordered to escort the procession, the higher officers remaining in the back-ground. As the procession passed in front of the Ashurkhana without stopping music, it was set upon and attacked by the mahommedans who had assembled at the Ashurkhana; and the Jamedar and the Policemen as also some others who were in the procession were badly handled and beaten, ~~and~~ one of the men having his ~~sling~~ shin- bone fractured by a blow with a stick. On hearing of the disturbance the Inspector hurried to the spot with some constables and had the rioting dispersed by firing one or two shots. Though the Superintendent as well as the Amildar were not far from the scene of the occurrence, it would appear that they left the Inspector to face the situation alone and did not arrive at the scene till the Inspector had quelled the disturbance and dispersed the rioters.

2. As the result of the Police investigation of the case, 33 persons (all mahommedans) were chargesheeted and put up for trial on charges under Sections 147, 326, and 147 I.P.C. Of these, 23 were convicted by the 1st Class Magistrate of Chintamani and sentenced to imprisonment and fine. On appeal the Chief Court acquitted 8 of them and confirmed the conviction and sentence of the rest under Section 147 I.P.C. Meanwhile on the representations made by some of the mahommedans

57

mahommedans regarding the conduct of the Police and other officers in connection with the case an enquiry was ordered to be made by the Deputy Commissioner. The report of the Deputy Commissioner with the remarks of the Inspector General of Police thereon was received in August 1921 but its consideration kept in abeyance pending the result of the riot's case - which was finally disposed of by the Chief Court in appeal only on 22nd March 1923.

3. A perusal of the papers relating to the case - including the report of the Deputy Commissionr as well as the Judgment of the 1st Class Magistrate and the Chief Court go clearly to show that the conduct of the Superintendent of Police (Mr. V. Gopala Rao) and the Amildar (Mr. B. Venkatakrishnappa) in connection with the affair has been quite unsatisfactory and reprehensible. As observed by the Chief Court, both these officers shirked their duty in a most cowardly manner by keeping themselves away from the scene of the rioting and leaving the Inspector to bear the brunt of a distinctly difficult situation. In their explanations these officers try to make out that they were present on the spot with the Inspector and that the Superintendent handled the situation and ordered the firing, but this version is opposed to the findings of the 1st Class Magistrate as well as the Chief Court and cannot be accepted.

4. The records also show that the local officers apprehended trouble over the dispute about the playing of music by the procession in front of the Masjid. They should therefore have adopted proper precautions to guard against a breach of the peace and should not have allowed the procession to be conducted with a small Police escort under the Jamedar in the face of a strong body of mahommedans who were determined to forcibly oppose its passage.

5. The Amildar was further to blame in passing the unprecedented and uncalled for orders prohibiting access to the Ashurkhana which is used for prayer except with his permission.

6. The question of the notice to be taken of the conduct of these officers having been considered in Council at the meeting held on 3rd instant, the Council was of opinion that the Superintendent of Police Mr. V. Gopala Rao having been reverted to the Amildari and retired already from the service, no further ~~action~~ none need be taken of his conduct, that the Amildar Mr. B. Venkatakrishnappa who is now sub-pro-tem in the 3rd grade of Amildari may be reduced to the 4th grade for a period of six months and that the draft order herewith put up which embodies the above decision of the Council and also contains the orders of Government on some other points raised in connection with the case may be approved.

7. I therefore beg to submit the resolution of the Council and the draft order attached thereto for the gracious approval of His Highness.

9th October 1923.

OFFG: SECOND MEMBER OF COUNCIL.

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Notice to be taken of the conduct of certain officers in connection with the riot at Chintamani on 16th June 1921.

Order.

60C126

General and Revenue Secretariat.

Conduct of certain Officers in Connection with the riot at Chintamoor on the 16th June 1921.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of

*

His Highness' orders $\frac{\text{before}}{\text{after}}$ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure)

Chief Secretary to Govt.

Through the Secretary to Government.

.....Department.

3104/30 or 22

FIRST MEMBER OF COUNCIL. 30/11

4489/26.10.23 SECOND MEMBER OF COUNCIL.

THIRD MEMBER OF COUNCIL.

NOTE—Contn. sheet.

Mono WD 1190—GPB—500 9-1-23.

The Hon Secy Sirs that the order might issue from the President

Issue orr 3/11

3/11/23

62

G. R. S. III-2]

General and Revenue Secretariat. | C. B. File No. 2330 2351 of 19

Serial No.

To

The Dy. Comr, Kadur, D.O. no 4830 & 4.4.23

Requests him to obtain the explanation of Mr. Venkata Krishnappa with reference to the remarks of the Chief Court.

From

The same Officer, D.O. no C.149 & 20.4.23

Forwards the explanation of Mr. Venkata-Krishnappa.

From

The Dy. Comr, Bangalore, no 329 & 24.4.23

Submits the explanation of Mr. V. Gopala Rao.

Submitted.

put
MM 26.4.23.

Both the officers maintain that they were on the spot along with the Inspector & that the finding of the Chief Court have formed a mistaken impression. This can only be verified by examining the records of the case. The records will if approved, be called for.

by
30/4

Secretary

30/4

1/5

TSR
1/5/23

Draft D.O. subd
MM
MM 1/5

1/5

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | C.B. File No. | of 19

Serial No.

To

The Registrar, Chief Court, D.O.No. 5134 & 2.5.23

Requests him to forward for reference the complete records relating to the Chintamani rioting case.

From

The same officer, No 853 & 2.5.23

Forwards the records on the file of the Chief Court together with the typed copy of the record of the trial court.

Submitted
put
3.5.23

Records being recalled from the Bar. The entire correspondence with file, and the records received from the Chief Court have been placed in Police file No 1857/21 and handed over to the Magazine Keeper being files of the M.G. Secy, Orissa.

by.
3/5/23

No Orders have been issued in the matter from the Protection Branch, these papers are also transferred there for being recorded with the main file.

NOTE—Contn. sheet.

Copy of confidential D.O.letter No.198 dated the 27th March 1923, from the Private Secretary to His Highness, to the Dewan of Mysore.

****

I am directed to request you to kindly let me know for the information of His Highness what notice is proposed to be taken of the conduct of the District Superintendent of Police, Kolar District, and the Amildar, Chintamani, so adversely commented upon in the judgment of the Chief Court in the Chintamani rioting case.

****

20 845
2.4.23
CONFIDENTIAL.

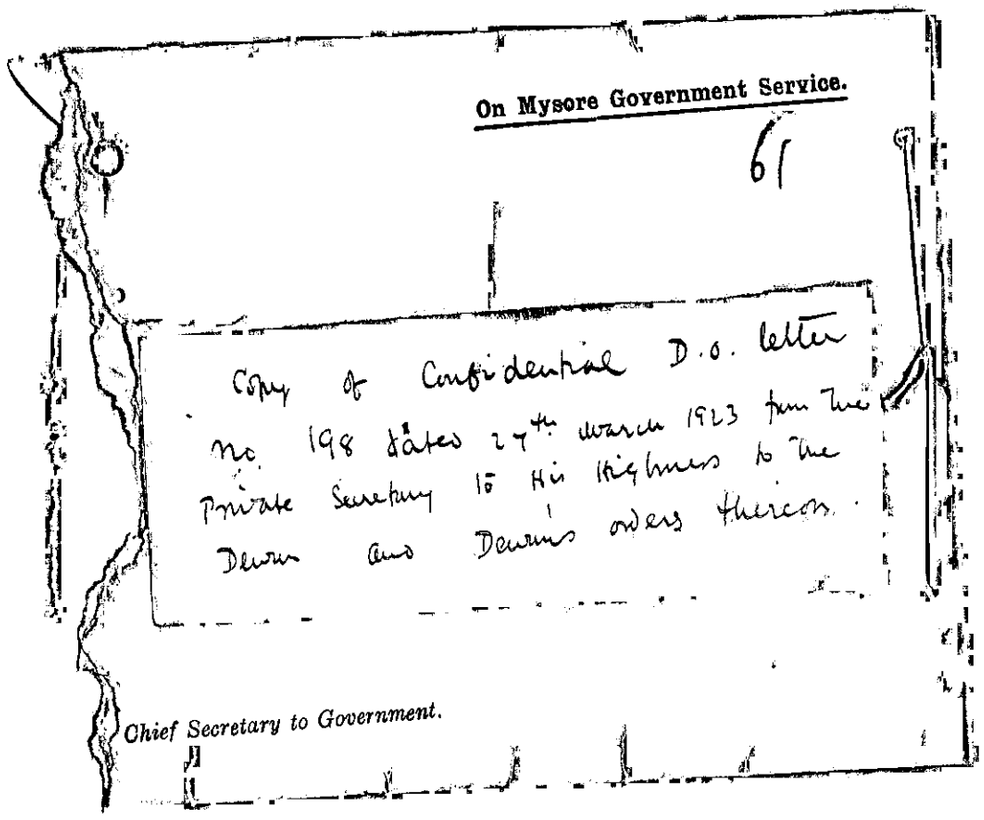
Copy forwarded with compliments to the Chief Secretary to Government for favour of obtaining a copy of the judgment and the explanation of the officers concerned, if necessary.

Bangalore,
2nd April 1923.

To The Registrar, Chief Court, D.O. No 4753 & 2.4.23
Requests him to forward a copy of the judgment of the Chief Court in the Chintamani rioting case.

From. The Same Officer - D.O. No 145 & 3.4.23
Forwards a copy of the judgment called for.

To The Dy Com^r, Bangalore, D.O. No 4829 & 4.4.23
Requests him to obtain the explanation of Mr. V. Gopala Rao with reference to the remarks of the Chief Court.


On Mysore Government Service.
61
Copy of Confidential D.O. letter
No. 198 dated 27th March 1923 from the
Private Secretary to His Highness to the
Dewan and Dewans orders thereon.
Chief Secretary to Government.

64

IMMEDIATE

CHIEF COURT OF MYSORE

Bangalore, dated 3rd April 1923.

D. O. No. 145-/22-23./Sue. one.

Dear Sir,

With reference to your D.O. No.4753/C.B. dated the 2nd instant I forward herewith a copy of the Judgment in the Chintamani rioting appeal, as desired therein.

Yours Sincerely,

Thimmiah Rapaveban
3/4/23

K. M a t t h a n, Esq., B.A.,
Chief Secretary to Government,
B A N G A L O R E.

In the High Court of Judicature at Patna

Thursday the 22nd day of March 1923.

Present

The Hon'ble Mr. Justice B.B. Adami

and

The Hon'ble Mr. Justice [illegible]

Criminal appeal no.31 of 1922-23 against the convictions and sentences passed by the 1st Class Magistrate, Hatwand in trial case no. 3 of 1921-22 under sections 326 and 147 of the Indian Penal Code.

1. Rahim Sah
2. Bhul Bhagat
3. Ramrup Dafter
4. Jagdi Bhuiyan.
5. Jagdi Mahto.
6. Jagdi Mahal
   Saff or.
7. Bhul Sahay
8. Allam Sah
9. Jagdi Singh.
10. Ghasita Sahay
11. Jagdi Sah.
12. Allam Sah.
13. Ghasita.
14. Ramrup Sah.
15. Bhul Sahay.
16. Bhagat Sahu.
17. Bhul Singh.
18. Bhul Sahay.
19. Ramrup Bhagat.
20. Jagdi Ghasi.
22. Ramrup Ramdin.
23. Jagdi Sahay.
23. Ir Bahadur.

Appellants 1,2,3,5, 7,8,,11,13,14,15,17,18, 20,21,22,23,25,26,27,29,2930,31,

Judgment.

The appellants in this appeal are twenty three out of thirty three persons who were charged before the First Class Magistrate Hatwand with rioting, etc. occurring previous thereto at Hatwand on the 1st March 1922.

2. Of the thirty three accused the 4th,8th,10th,21st, 30th,32nd and 33rd were acquitted by the Lower Court,

were acquitted. Accused 1,2,3,5,7,9,11,12,14,16,17,18,20,21 22,23 and 25 to 31 were convicted on sentenced under section 147 Indian Penal Code to undergo six months' rigourous imprisonment and under section 325 Indian Penal Code read with section 149 Indian Penal Code each of these accused were sentenced to further undergo one week's rigourous imprisonment and to pay a fine of Rs.10/-.

3. One of the convicted accused was further ordered under section 106 Criminal Procedure Code to be bound over to keep the peace for two years.

4. All the convicted accused appeal and their counsel argument in which was on the evidence before us at very great length. The learned counsel for the accused in support of the conviction.

5. We have heard full through the evidence of the prosecution and 29 defence witnesses.

6. The facts of the case as well the evidence on either side have been fully and accurately set out in the judgment of the learned committing Magistrate and we do not consider it necessary to recapitulate them. Briefly the facts are that on the 15th June 1931 two of the leading Hindu families in Chintamani celebrated the marriage of a son and daughter. On the evening of the 16th they took the bride and bridegroom in procession. A police constable Nos. 29 and police guard in front with another 29 escorted the procession. When nearing the Ashrabhana which the members of Chintamani used as their temple or place of worship the latter were informed that the procession had arrived in the street and were determined to stop the procession if it attempted to pass the building with the playing of the music. Though they have no manner of right to object to music being played and in 1914 had agreed not to raise any such objection in future until they

they could an order of government, given that right to them. In obtaining this information the journalist went with the constables to the building and found some one hundred or more schoolchildren assembled there. When asked they refused to do so and as the procession continued to approach with music playing they attacked the procession and beat the journalist and others and broke the policeman's truncheon in two pieces. The British Superintendent of Police Mr. W. Scala was at that time in the office and the father of the schoolchildren was in the office of the Co-operative Society below hearing the shouting of the crowd outside. As soon as they appeared to have reached the door of the building the British Superintendent and some constables had picked up pistols to defend themselves with if they had to fire one or two shots out of which hit a schoolboy who in the shock of his wounds only a very superficial bruise was caused. After the pistols had ceased the Superintendent of Police and other officers approached the schoolchildren.

7. The Commissioner of Police told the Court that when all these facts being the accusation that he was with pistols he opened fire on the mob but relied upon the evidence of the Inspector stating it in conjunction with the evidence of the Inspector and it is clear that the soldiers and the police were instructed by Police Officers their duty in a most orderly manner and left the Inspector to bear the responsibility of the action without citation unfortunately the Inspector fired the position with some of the resolution and by his words and the police events that might have been a very serious riot, as we are aware to be taken and witnessed they cause hurt to P.C. 2,3,4,5 8,10,14,17,21,22,25,27 and 28. Of these P.C. 5,6,19 and 23 are in the police. Except P.C. the Art Court

[illegible] fr[illegible] [illegible] [illegible] [

69

...ance in court as to the correctness of the above decision in the Privy Council case and a few other decisions such as Mohamed Ali's case are now doubted.

11. ... the Privy Council judgment is objectionable in that the decision of the full bench held that a ... was not thereby vitiated by reference to a full bench of the Supreme Court of the result of the reference but the full bench unanimously concurred with the whole of the Supreme Court decision and the procedure was therefore not an error. ... decision the Privy Council ... that contention of ... to the effect that the procedure of the ... was not proper.

12. ... the last ... which ... doubt ... result of the ... evidence on the ... evening of the ... have to point out that ... emphasised in ... and in the ... to prove by force if necessary, the ... of the procession the ... part ... and ... invited and ... by ... in ... in the presence of that ... objects ... the police ... whole forming ... procession ... so constitutes the offence of rioting punishable under section 147 Indian Penal Code.

13. ... to the ... we ... limit ... only to one ... with the ... case of those ... with ... who ... to the ... in which ... riot ... 1,... ,5,1...,12,14.1...,...,20,2...25,18. So ... of ... we will ... that their ... not ... by the ... of doubt.

14. ... regret ... learned ... that ... evidence ... ,7, ...,12,17-3 ...),17. ... to

20

ie somewhat weak, and except as regards accused 23 and 30 the learned Government Advocate does not press the case against these accused. We are of opinion that the evidence against them accused 23 and 30 and especially accused 23 could be accepted and even we have carefully reconsidered the evidence against them. We feel however that there is room for reasonable doubt in their cases also.

15. We accordingly give accused 7, 10, 17, 18, 23, 27 and 30 the benefit of the doubt and set aside their convictions and sentences and acquit them. We also connect with it the cancellation of the order for the three months rigorous imprisonment passed on accused 30.

16. We agree with the contention of the Government Counsel that in the circumstances of this case there is not sufficient to justify an inference that the grievous hurt caused to Lal by the ringleader who is not accused in this case was an offence which the members of the unlawful assembly participating in the riot knew to be likely to be committed in prosecution of the common object of the riot and we think this accused of grievous hurt can hardly be said to have been in the prosecution of the common object the storming of the procession which has since been achieved.

17. We accordingly set aside the conviction and sentence of all these other appellants in respect of the offence punishable under section 326 read with section 149 Indian Penal Code and of that offence we acquit them and we direct that their fines if paid will be refunded.

18. We can now proceed to dispose of the appeals of the Government pursuant to reference under section 347 Indian Criminal Procedure Code.

We will therefore

71

19. Appellant-accused [illegible] Sahib S/o [illegible], Shaikh Jumma, S. Ayoob Ibrahim, Sk. Ali Abdul [illegible] Sahib Ismail Sahib Ayoob Abdul [illegible] Abdul [illegible] Abdul [illegible] Sahib Ismail Sahib Ayoob Abdul [illegible] Sk. Abdul [illegible] Sahib Ismail Sahib Ayoob Abdul [illegible]

D.O. 4753/CB

2nd April 3.

Urgent.

Dear Sir,

I am desired to request you to kindly furnish for the information of Government a copy of the judgement of the Chief Court in the Chintamani rioting case recently disposed of.

Yours sincerely,

A. Srinivasraghavachar, Esq., B.A., B.L.,
Registrar, Chief Court.

KM/CIC.

/2

D.O. 6829 / CB / Encl. 4th April 1923

Confidential.

Dear Sir,

I am desired to enclose an extract from the judgement of the Chief Court in Criminal appeal No.31 of 1922-23 (Chintamani rioting case) and to request that the explanation of Mr. V. Gopala Rao who was at the time Superintendent of Police in the Kolar District and now Amildar of Devanhalli with reference to the remarks of the Chief Court may be kindly obtained and furnished at a very early date.

Yours sincerely,

H

P. P. Bowring, Esq.,
Inspector General of Police.

D.C., Bangalore

KH/CLO.

74

(By Regd Post)

D.O.4832 C.C./Encl 7/4/4/23.

Confidential.

Dear Sir,

I am desired to enclose an extract from the judgement of the Chief Court in Criminal appeal No.31 of 1922-23 (Chintamani rioting case) and to request that the explanation of Mr.Venkatakrishnappa who was at the time Amildar of Chintamani with reference to the remarks of the Chief Court may be kindly obtained and furnished at a very early date.

Yours sincerely,

M.G.Krishnaswami Rao, Esq., B.A.,
Deputy Commissioner, Kadur District.

KM/CLG.

D. O. no. C. 149/22-23 Executive 75 CB-2330

DEPUTY COMMISSIONER
KADUR DISTRICT

Camp Darikere.

Confidential.

20th April 1923.

Dear Sir,

As desired in your D. O.

No. 4830/C.B dated the 4th April 1923,

I beg to Enclose herein in original the Explanation together with its Enclosure received from Mr B. Venkatakrishnappa Anibar, Mudigere in Connection with Chintamani rioting case for favour of perusal and Orders.

Yours Sincerely,
M G Kittiannesamb

K. Matthan, Esquire, B.A,
Chief Secretary
to Government.

Confidential.

Mudigere
16th April 1923

Sir,

I beg to acknowledge receipt of your memo No. Camp 741/22-23 dated 10th instant calling for my explanation regarding certain remarks made by the Chief Court in their judgment in the Chintamani rioting case. I returned yesterday from circuit in the interior of the Taluk and could not therefore submit my reply earlier.

Recd 16/4/23

I find that the charges made against me are rather serious and I feel unable to give a detailed explanation without referring to the records of the case. I beg therefore that I may be kindly furnished with copies of depositions of all the prosecution witnesses so that I may be in a position to know how much evidence is available in support of mine and whether any additional evidence will be necessary in case of a fresh enquiry into my conduct.

I beg however, to be permitted to state that I emphatically deny that I have acted in a cowardly manner in this case. Though it

is now nearly two years since the occurrence, I feel confident that I can prove by means of independent, respectable and disinterested witnesses that I rushed into and not away from the scene of disturbance immediately I heard the Police whistle, ~~more~~ before the Police Inspector arrived and remained there till the very last. The Superintendent of Police, myself and two Jamadars who had accompanied the D.S.P. on circuit, were all with the Inspector when he opened fire and for some ten minutes before it was found necessary to open fire, all our attempts to quel the disturbance otherwise having become futile. We never deserted him even for a single moment, as remarked by the Chief Court. If that were so, I would never have got a letter from the Inspector (Mr. K. Dunniah) a few days after I took charge of the Mudigere Taluk, acknowledging that he had my hearty cooperation in Police work. I beg to enclose the said letter for favour of perusal and kind return when no longer required. Whether the sentiment expressed in this letter is consistent with the allegation that I shirked my responsibility in this case and left the Inspector to his fate at a critical moment is a

point for consideration. I beg also to refer to the reports in the Madras Mail and other papers of the latter half of June 1921 to the effect that the Amildar was roughly handled in this connection, just to show that the public impression would have been quite different and the matter would not have failed to find its way into news-papers, if I had really held back in a cowardly manner and not entered the scene of occurrence at the time of the actual disturbance. The Inspector-General of Police and the District Magistrate who held an enquiry on the spot within a week of the occurrence would also have certainly not failed to notice my conduct if it had come to their knowledge that it had been cowardly.

I should ascribe it to my misfortune that the evidence of the Inspector which, lest it should become very lengthy, was strictly confined to his own doings without any reference to others, was interpreted to my disadvantage and my evidence which, I can swear before God and man, to be quite true, disbelieved. Even now I have hopes that from the evidence on record itself I may be able to disprove the imputation made against me but if that

be not possible, I am, as already submitted, ready to produce additional evidence before any tribunal that may be appointed for the purpose. I beg therefore that copies of depositions may kindly be sent to me as early as possible.

I beg to remain
Sir
Your most obedient Servant
B Venkatakrishnappa
Amildar

To
M. Q. Krishnaswami Rao Esquire B.A.
Deputy Commissioner
Kadur Dt.

G. R. S. VI—G/32]

SUBJECT.....

.....

GWS .....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the *191* .

Date of issue 23/4/23

Signed by Sd: K. Matthan

Confl

Section

File No.

Serial No.

D.O. **No.** 5053-6 CS

To

The Dy. Commr, Bangalore Dist.

Dear Sir,

I am desired to invite reference to my D.O letter no 4829/C.B. dated the 4th April 1923 and to request that the explanation of Mr. V. Gopala Rao with reference to the remarks of the Chief court in the Chintamani rioting case called for therein may be kindly obtained and furnished early.

Yours Sincerely

over.

Chief Secretary.

GWS

61

CB - 2351

Confidential.

Office of the Deputy Commissioner,
Bangalore District.

D.O. No. 329 C.C.

Dated BANGALORE, 24th April 1923.

Dear Sir

As called for in your D.O.letter No.4829/C.B. of the 4th instant, I beg to submit the explanation of Mr. V. Gopala Rao, Amildar of the Devanahalli Taluk, regarding the remarks made by the Chief Court in the Chintamani Riot case.

Yours sincerely,

B Venkata Rao

To

K. Matthan, Esq., B.A.,
Chief Secretary to the Government of
Mysore.

Reference: Remarks of the Hon. Chief Court in Mysore in the Appeal judgement in Criminal Appeal No: 31 of 1922-23 in the Chintamony Riots case.

Explanation

I beg to submit as follows:— The views taken by the Hon. Chief Court with regard to my Conduct as Supdt of Police in the case is directly opposed to facts. The information of the disturbance in front of the Ashurkhana a masjid reached me at the Inspector Simultaneously though a Police Constable when both of us were busy in the Police Station inspecting the Registers. Both of us left the Station immediately. The Inspector's revolver being close at hand in the Police Station he took it immediately. Both of us started together and rapidly. As there was none near at hand to bring my revolver which I had kept in my trunk in the mess at Ashurkhana a

Whether just opposite to the Police Station
I ran up there to fetch it instructing
the Inspector to run up and saying that
I would be following him. I took my
revolver and was at the scene within
about 3 or 4 minutes after the Inspector
reached the spot. The Inspector told me
that the crowd of mohomedans both
inside & in front of the Ashramkhana
was too large and that it was impossible
for the Police to go near as big stones
were being flung at them. Then
under my instructions the Inspector
cried out a number of times to the
mohomedans to desist from flinging
stones on pain of being fired at if
yet they would not desist. Presently
one or two stones came & hit at the
legs of the Policemen that were standing
close to us. Thereupon the Inspector
was the permission to open fire
as there was no other means of averting
the danger to the Police & the public.

I hears "Eyes". It was then that I Brian Constable fired his gun and then the Inspector his revolver. I got also ready my revolver and was close to the Inspector watching everything that was going on. After the Inspector fired 2 or 3 rounds (about) the bustle in the Athmallik area decreased. The Muhammadans who were in front also disappeared into the building & there was no need of my firing the revolver. It looks as if I would have been expected to fire any shots if I had also fired some shots, but, I submit, this was quite unwarranted for and if I had fired it might have resulted in worse consequences. Then we found that the Muhammadans had all cleared away by the time of the Athmallik Khond + the disturbance was quelled.

More circumstances I would have sworn to if I had been examined and the Inspector would also have sworn

to if he had been questioned on these points.
I am not aware of what the Inspector &
the Head Clerk who were examined as
prosecution witnesses in the case, deposed
before the Court, but I can boldly say
that if any bit of what I have stated
above had been contradicted by either
of them, they must have lies & willful
deliberate falsehood. I beg to state
that every steps taken by the Inspector
to quell the disturbance was done
by him under my personal instruction
& guidance on the spot. I had been
with him from the very commencement
of his attempts to quell and he did
nothing before I went to them. The
Inspector and the Head Clerk may be
examined on these points if not
already done. I have also a number
of witnesses to prove what I have
said above including my Office
Sub Inspector and Police orderly & others.

Besides, the following

documents may also be kindly called for
& perused (1) I must have reported
details in my diary for the 16th June
1921.. (2) The judgment of the Special
Magistrate of Chintamani who tried
the case says that no blame attaches
to the Police. It runs as follows:—
"A number of allegations have been made
in this case against the Police Officers
without the least foundation - not even
a single allegation has been proved."
(3) In the memorial presented by the
Vaisyas on 24th Sept 1921 to His Highness
the Maharaja of Mysore they say in
para 13 as follows :- "It is to our good
fortune that he (Police Sub-Insp.) happened to be there,
otherwise the consequences would have
been far more serious." The memorialists
some of whom were present at the spot
may be kindly examined on the matter.
(4) The Inspector General of Police and
the District Magistrate held a minute
investigation into what transpired,
between the 22nd & 25th June 1921 (within
a week after the occurrence) and

made a report jointly in the matter and no blame or any fault nor on the part of my subordinates was even suggested therein. Neither any shirking of duty nor a cowardly manner nor leaving the Inspector to bear the whole brunt & responsibility was noticed by either of them nor was any explanation called for.

I am sure there is absolutely nothing to warrant the suspicion that I conducted myself in the manner referred to in the Appeal Judgments of the Hon. Chief Court. On the contrary, as represented by the Vaidyas in their memorial, I submit that, but for my accidental presence on the spot, there would surely have been more serious consequences resulting in loss of life & property; and my Conscience feels satisfied that my presence & action on the spot averted all of them. If I have not mentioned the above circumstances before it is due to want of an opportunity for it & to the fact that I had greater satisfaction in seeing my Inspector get the credit than myself.

Devarkonda.
21.4.1923

V. Subramaniam
Amildar.

4th Chamberlain
10 - 3 - 32

My dear Sir

I am very sorry that I did not see you on the day you left this place. You know very well that my absence was unavoidable. I had your hearty co-operation in the Police work. Konapur Dacoity with murder case detected. This was a very difficult case.
The arguments in the Rebu case were heard on the 30th April. The magistr framed charges under

against 24 accused and discharged 7 persons. Important persons are not left off. The case is posted to the 12th June for further cross-examination of the defence.

Hope you are getting on well in the new ~~atmosphere~~ atmosphere.

Yours Sincerely,
K. Dhirendranath

G. R. S. VI—G/32]

90

SUBJECT.....

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*Diary No. of letter replied to*_____

General and Revenue Secretariat

( )

, the *191* .

Date of issue 2nd May 1923

Signed by Asst. Registrar

Section

File No.

Serial No

D. O. No. 5736 C B.

To

The Registrar

Chief Court of Mysore.

Dear Sir,

Adverting to your D. O. letter No. 145/22-23 forwarding a copy of the judgment in the Chintamani Hiduvu appeal I am desired to request you to be so good as to send me, for reference and return ~~when done with~~, the complete record relating to the case.

Yours sincerely,

over.

11/5/20

38/51 Appeals

CHIEF COURT OF MYSORE 91

Telegraphic Address. "JUSTICE"

Bangalore, dated 2nd May 1923.

No. 853 C. Enc: one record. (two files)

FROM

A. SREENIVASARAGAVACHARI, ESQ., B.,A.. B.L.,
Registrar, Chief Court of Mysore.

CB 2368

3 M 23

To

K. M a t t h a n, Esqr., B. A.,
Chief Secretary to the Government of Mysore,
B a n g a l o r e.

SIR,

With reference to your D.O. No.5134/C.B. of even date, I am directed to forward the record in Criminal Appeal No.31 of 1922-23 on the file of this Court together with the typed copy of the record of the trial court and to request that the same may be returned when no longer required.

I have the honour to be,
S i r,
Your most obedient servant,

Sreenivasaraghavachari
2/5/23
REGISTRAR.

AV.

G. R. S. III-21

General and Revenue Secretariat.

File No. 185 of 1920

Serial No.	
19	To The Registrar, Chief Court " Judicial Branch " Revenue Extract from Accountant-General No. no. P. 3361-3 & 3.4.23. places on record his displeasure of Govt award — The Asst Collector Mr. V. Gopalakrishna & directs that the Asst Collector Mr. Venkatesa Krishnaiyer be reduced to his permanent grade as Asst Collector, 4th Class for a period of six months

NOTE—Contn. sheet.

M E M O.

CHINTAMANI RIOT CASE.

Petitions from Muhammadans.

The petitions from the Mahammedans are to the folly. effect. In Dodpet in the town of Chintamani there is a building which the Mahammadan petitioners call Masjid, wherein prayers are offered five times a day. ~~and~~ On the 16th June 1921, the - celebration of His Highness' birthday-when the District Magistrate and the Khazi and other leading citizens were ~~out of~~ not in the town, the Superintendent of Police, Amildar and the local police armed with guns etc. led a Vysya marriage procession before the building at 7-30 P.M. with music and nautch party when Esha prayers (the last and important prayer of day) were being offered, Contrary to practice and mamul and trespassed into the building and opened fire and shot a boy of 14 years without warning and the least provocation. The Amildar, thereafter, - issued an order preventing them from offering prayers in the place on the 17th, 18th and 19th while allowing 8 of them to offer prayers on the 18th, placed police force before the building on the 19th, and led another procession with the Police Superintendent, allowing the party purposely to play music before the same with Nautch; that the Police thereafter concocted a case and arrested all the Mahammadans available including boys, and have charge-sheeted them before the Sub Division Magistrate; that the Inspector General of Police made a show of investigation long after the occurrence; that they therefore requested that the misdeeds must be enquired into and suitable punishments - awarded to the officials concerned and also that a Committee of officials and non-officials may be appointed with a view to make a fair and unprejudiced enquiry into the facts of the case

and report to Government.

In the petition sent by KhaziSyed Kasim of Chintamani and others dated 12th July 1921 they also pray that (1) an independent officer may be appointed to investigate the case agains the police (2) that the officials concerned may be transferred from the place to ensure an impartial enquiry (3) that the case may be tran ferred to the file of Magistrate outside the District preferably to a Christian Magistrate and (4) that in case Government are not taking steps against the officials, sanction may be given to them to prosecute these officials.

Numerous petitions (copies printed in one place) have been received signed by Muhammadans in several Telugu in the province, ~~from various places~~ and it is not known how people in other places could have been aware of all these facts.

Petition from Vysyas.

As against this, the Vysyas of the place have now prepared and presented to H.H. the Maharaja a petition. According to them the place was never intended to be a place of worship and they have quoted an order passed in 1889 by the District Magistrate, Kolar, Mr.H.H. Sparks, declaring the place to be an Asherkhana, and declining to order stopping of music before the building.

The other orders referred to by them are (1) the order of the 1st class Magistrate preventing the Mahammadans from taking the dead bodies to the place. (2) The revisional order dated the 8th April 1902 of Mr. F.E.C. Carr in 1902 as District Magistrate, refusing to rescind the orders of Mr. Sparks. (3) Govern ment Order of 17th November 1902 refusing to interfere with the above orders. (4) The order

of the Amildar Magistrate on the 17th May 1910 preventing dead bodies from being brought to the place, when the Khazi seems to have admitted that the building was intended to place Taboothe and lastly (5) Government Order allowing the improvement of the building with two minarates provided the parties concerned executed a Muchalika that no new privileges would be claimed thereby.

Reports and action taken by Officers of Government.

The complaint of the Mahammadans reached Government early by a telegram dated 21st June 1921 and this was followed on 27th June 1921 by the Inspector General's report containing the Superintendent's report which goes to show that knowing the issue of a license for the procession on the day in question a large numbe of Mahammadans, about a hundred had collected near the building and at a signal given, the party began striking the Jamadar who accompanie the procession and the Police Constable and others of the procession, that the matter having been communicated to him while engaged in inspecting the Police Station, he went to the place with the Police Inspector each with a revolver, and finding the mob out of control, the Inspector ordered firing three times and himself fired the revolver in the air; that the Mahammadans cleared after this from behind the building and on entering the building he found a boy lying down with a wound which he suspected to be from fragments of ~~kitsand~~ Kitson lamps broken to pieces by the crowd; that 15 persons had been hurt and some arrests were made and the case charge-sheeted.

The Inspector General of Police also forwarded a joint report on 25th June 1921 by himself and the District Magistrate as called for in the Chief Secretary's D.O. dated 21st June 1921. This report ~~goes to~~ shows that the demolition of a cistern near the Musjid about a year ago was the cause of revival of misunderstanding in the matter of processions, and that in3 out of 5 ~~xx~~ marriages that were celebrated between the periods, musi had been stopped and this was refused in - others; that there was some attempt made to effect reconciliation between the parties and that no final settlement was come to; that licenses for the celebrations of ~~the~~ marriages amongst Vysyas had been issued between February and June 1921 in 11 cases; that the Police ~~was~~ were right in ordering for additional police arrangements on the 18th and 19th; that the order of the Amildar in prohibiting people from congregating in the Musjid for three days might have caused inconvenience to the public, and that no opinion was called for on their part on the occurrence of the 16th as that was - sub-judice.

After a perusal of the report, the Third Member was pleased to order that information might be obtained on the following points namely :-

(1) the cause of the disturbance,
(2) whether this could have been avoided by the adoption of timely precautionary measures by the Police and Magistrate,
(3) the necessity for firing and whether - this couldnot have been avoided,
(4) the number of persons injured on either side and the nature of injury,
(5) the manner in which the Musalman boy received wound,
(6) the necessity for closing the mosque and whether this could not have

66 97

been avoided by timely precautionary measures.

The Deputy Commissioner's report.

The Deputy Commissioner's report was to the effect that it was the sympathy of the local officers that induced the Vysyas, who for a long time had abstained from enforcing their rights through fear or other cause, to break through the mamul and bring about a disturbance; that the local officers knew or must have known the state of affairs and cause for apprehension, as that very morning the Mahammadans had objected to the music in fro of the mosque, even in the case of the procession connected with His Highness' birthday, and as Mahammadans were known to be consulting a lawyer about their rights, and an escort of Police with guns and ammunition was given in this case, while it was not done in case of marriages only a few days previously; that the local officers were to be blamed in the matter. Regarding (3) he stated that the reported use of the gun and revolver on the 16th was unwarranted; that an examination of the stock register showed that firing must have taken place on the 19th also for which there was no necessity and which was not reported at all; that 48 persons had been injured in all namely, one Musalman boy and the rest constables, and Hindus. As regards (5) he stated that the injury of the Musalman boy was due to the bullet wound which was not correctly reported by the Police and the Amildar, who are said to have deleberately

misrepresenting the facts connected with it and lastly that the closing the mosque was inexplicable and unreasonable.

The Inspector General's report.

The Inspector General of Police stated on 26th August 1921 that no definite opinion could be given on No. (1) until all the evidence was threshed out; that he could not agree therefore with the latest opinion of the Deputy Commissioner namely, that Vysyas abstained from playing music through fear and that the license issued to play music on the 16th was a violation of mamul which not unnaturally provoked the Mussalmans.

For reasons stated above he could not say anything about adoption of precautionary measures; that there was necessity for firing; that only one Musalman boy had been injured and all the rest of the injured were Vysyas - that the closing of the mosque was an extreme measure.

The General Secretary is of opinion that the right of Vysyas is supported by a lawful authority, though its exercise had been held in abeyance and the Deputy Commissioner's remarks are based on what he heard, and that, as stated by the I.G. of Police, the suspicion cast on the Police cannot be accepted in the absence of their explanation and specific enquiry; that the remarks of the Deputy Commissioner that the disturbance could have been prevented appears to be supported to some extent by the facts stated, but in regard to this the explanation of the officers is not on record; that he agrees with the I.G. of Police in regard to the necessity for firing; ~~that the views of the I~~

that the views of the I.G. of Police and the Deputy Commissioner in regard to the closing of the mosque seem to be correct; but that it was opened to the aggrieved party to appeal against the order to the District Magistrate if it was wrong, and that further enquiry in the case may be postponed and taken up after the case of rioting etc., pending before the Court is disposed of.

Carj
12.10.21

POSTS TELEGRAPHS. 26643

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.

Rs. A.

Petn No 15-60

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO Kolar 21 11 20 Recd. here at H. M.

Reuter Mysore

Jamadar Kerasoms prior to coming pro vacuo displayed fencing before Mohammedans Duncan Barracks pursuant headed by Superintendent Inspector Jamadar Cavalry Police Brothers message

N.B.—The name of the Sender, if telegraphed, is to be given in plain words.

Ld Chetna & Sons—1000—24-12-19—1,75,000 Bks (Edn. V).

POSTS TELEGRAPHS. 701

NOTICE.
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Charges to pay.		Office Stamp.
Rs.	As.	

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO 2 Recd. here at H. M.

Firing superintendent Inspector Jamadar Babramia others entered Magic people offering prayers Rifles cracked-prayers made devotees Police entered Inspector Jamadar fired

N.B.—The name of the Sender, if telegraphed, is written after the text.

Lal Chand & Sons—4652—12-12-19—1,78,000 Bks. (Edn. V).

POSTS TELEGRAPHS.

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Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

Kumbir Lieutenant police asked how they had audacity entering mosque though prohibited by Com Com Order preserving peace Bennee prohibiting town and talak Mohomedans from entering mosque

N.B.—The name of the Sender, if telegraphed, is written after the text.

Lal Chand & Sons—4653—12-12-19—1,79,000 Blks. (Edn. V).

POSTS TELEGRAPHS.

72/103

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Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

4

For three days Superintendent on Friday headed procession again keeping all Mohamedans from offering Juma prayers against order Education Department arrests effected

N.B.—The name of the Sender if telegraphed is written above the [illegible] persons

Chand & Sons 1952—12-12—1,79,000 Blks. (Edn. V).

POSTS TELEGRAPHS. 43 104

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Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

5 Recd. here at 17 H. 17 M.

improperly put police nofiang bond brought police police tuts no money. Gate carriers hands pray transfer of superintendents and police officials to presence justice Kazi Syed Nadeem

N.B.—The name of the Sender, if telegraphed, is written after the text.

Lal Chand & Sons—4653—12-12-19—1,79,000 Bks. (Edn. V).

Police 185-20-1

POSTS TELEGRAPHS.

NOTICE.
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Rs. | As.

Office Stamp.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Kolar	21	17	10		15

TO Asstt Supt Mysore

Rcvd. here at 17 H. 52 M.

by telegram 7 16/20 today
Read from Chintamani

Range Syd Nasim
Chintamani

N.B.—The name of the Sender, if telegraphed, is written after the text.

Lal Chand & Sons—4633—12-12-19—1,79,000 Bks. (Edn. V).

No. R.o.c. 2959/20 — Office of the Inspector General of Police in Mysore.
Dated, Bangalore, the 22nd June 1921.

4844

From

A. SUBRAHMANYA IYER, Esq., B.A.,
Inspector General of Police in Mysore.

To

B. Ramaswamaiyya, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
REVENUE DEPARTMENT.

Sir,

I have the honor to forward herewith for the information of Government copy of D.O. letter No. C 285, dated 17th June 1921, received from the Superintendent of Police, Kolar District re. the disturbance caused by Mohamedans of Chintamani, near the Ashurkhana, in the Chintamani Town, when a Vaisya marriage party was out in procession, under a licence on the night of the 16-th instant, at 7.30 p.m.

It is reported that, in consequence, about 15 persons including the Police Jamadar and Drill Instructor were injured and that a case under sections 148 & 332 I.P.C has been registered against the accused Mohamedans, and that investigation is proceeding under the direction of the District Superintendent of Police, who is on the spot.

I have the honor to be,

Sir,

Your most obedient servant,

For Inspector General of Police.

From

The Inspector General of Police

in Mysore..

To

The Secretary to the Government

of Mysore, Revenue Department

Dated 22-6-1921

Despatched

Received

General No. Roc 2959/20
No.

Enclosure No. /

76 107

D.O. letter No. C 285 dated 17-6-21 from the Superintendent of Police, Kolar District.

In Chintamani petta, there is an Ashurkhana, which in recent years the Mohamadens have been trying to convert into a mosque or musjid by building two minarets on either side therein and they tried also to establish the concession of others stopping music in front of it. After a deal of correspondence, it was finally decided that the minarets could be allowed to stand but that the Mohamedans should not claim the concession of stopping music on the occasion of other processions or of bringing any dead body in the premises of the Ashurkhana. Ever since, the Mohamadens have been using it as a mosque, where they pray and processions have been passing the Ashurkhana without stopping music. Last evening, at about 7.30 p.m. Vaisya Sagu Gopaakrishniah went out in marriage procession with his party on foot and the bride and bridegroom in a flower planquin with the Magistrate's license, which he had obtained beforehand, when the procession was still at some distance from the Ashurkhana, the Jamadar, who was in the procession, learnt that the Mahamedans were intending to cause a disturbance and obstruct the procession. He went up to the Ashurkhana and finding a large number of Mohamedans about a hundred of them assembled there, enquired why they were there, told them that they should not create any disturbance or obstruction as the procession was duly licensed and quite according to custom. When the Jamadar was in talking to them, the procession was drawing near and one of the Mohamedans suddenly called out "Din" and began striking the Jamadar with a club on his head. The Jamadar fell down. 3 or 4 Police men that rushed up for his help were similarly treated by the Mohamedans, who had bamboo clubs in their hands. These latter, then began striking with clubs, the bands men, the pipers, the persons carrying Kitson lamps, and the Vaisyas, in the marriage party and went up to the palanquin bearers. The bride and bridegroom were safely and hurriedly taken away by their own people

77 106

into an adjoining house and secured. The rest of the party ran in different directions. The infuriated Mohamedans smashed the palanquin to pieces, smashed with their cudgels, the Kitson lamps, and began to pelt big and small stones, which they had collected in the Ashurkhana. The Amildar was there at the time. At this juncture, the Inspector, who was in the Police Station with me, as I was inspecting his registers, got information and ran up with his revolver and I followed with my revolver. The Mohamedans were pelting stones very briskly to prevent the Police going up to them. The Inspector and others then called out a number of times to desist from pelting stones on pain of being fired at and the Police men were still being struck with stones flung at them. There upon, the Inspector had the station muzzle loading gun fired 3 times in the street and himself fired the revolver in the air in that direction. Within a few minutes after this, all the Mohamedans cleared away and escaped from behind the Ashurkahana. The Jamadar and the Drill Insptructor have been badly hurt and also 3 or 4 vaisyas, others also have been hurt, though not so badly. In all about 15 have been hurt. On going into the Ashurkhana, a number of youngsters were found there and they said they just came in there. One of the boys, a lad of about 12 years was lying down with a wound on his belly, from which he was slightly bleeding. When asked, he said he was looking at the tamash from the Ashurkhana when he was hit by something like a light which came up to him. We thought it must be fragments of the Kitson lamps, which were smashed. He was immediately sent to the Hospital for treatment. The other injured persons were also sent to the Hospital for treatment and the Sub-Assistant Surgeon dressed all those that were badly hurt. None is in any dangerous condition and they are all moving about. There were found, heaps of stones collected in the Ashurkhana and number of clubs. By the side of this building, there is a vacant site with old mud walls all round and in it, were found a number of bamboo clubs lying, but not one Mohamedan adult could be seen anywhere. Searches were made every where in the

109 78

Town as some of the rioters were known, but not one could be found. A picket of Police men was stationed at the spot and order was restored. The marriage party, who were in awful funk, were encouraged.

This morning some of the rioters were arrested and up till now, 12 men have been caught and identified. The case has been registered under sections 148 & 332 I.P.C and investigation is proceeding. I am on the spot, guiding the investigation. As one or two more processions have to take place to-day and to-morrow, I have arranged to get some help from Sidlghatta and Srinivasapur, the Taluks adjoining, and from the District Reserve to prevent any further trouble. The ring-leader one Less Babaset has absconded and some others have disappeared. Endeavours are being made to book as many as could be identified to have taken part in the rioting.

Another procession of the same marriage party passed the same street just now at about 1 p.m. without trouble.

The Taluk Magistrate has issued injunction order under section 144 C.P.C prohibiting any person from stopping in the Ashurkhana for 3 days from to-day, except under his permission as the licensed marriage processions will be over by that time and there is imminent danger of breach of peace should the Mohamedans again assemble therein.

"C o p y"

L Narayan Rao

For Inspector General of Police.

K.F.

26008

4952

Revenue 185-20-3 110

79

No. 3293
GEN & REP
Rao Pvt
25 JUN 1921

OFFICE OF THE PRIVATE SECRETARY
TO HIS HIGHNESS THE MAHARAJA OF MYSORE,
Mysore 23rd June 192 1

Petition, as shown below, to His Highness the Maharaja is transferred to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, ... ~~Department~~, Bangalore, for disposal - JUNE 1921

No. 884 of 1920-21

By Order,

Private Secretary
to His Highness the Maharaja of Mysore.

GBPM—1,000—5-4-20.

POSTS TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Bowbazar Sept 22 17					52

Recd. here at H. M.

TO

His Highness the Maharaja of Mysore

News has arrived that Christian Police excluded Mohammedan from barricading in mosque Processions Mohamadans after their Residents & Christians town

N.B.—The name of the Sender, if telegraphed, is written after the text.

Lal Chand & Sons—4653—12-12-19—1,79,000 Bks. (Edn. V)

C.

POSTS & TELEGRAPHS.

46 112

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Office Stamp.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO Calcutta

~~Read~~ here at 15 H. 29 M.

and calcutta this infringes pledges solemnly given police interference and lathi charge and light. hundred demand arrest of police concerned to appease wholesale indignation = Mohammedan

N.B.—The name of the Sender, if telegraphed, is written after the text.

Lal Chand & Sons—4653—12-12-19—1,79,000 Sets. (Edn. I)

26789 113

Police 185 2 20 1924

C 2959/20-21
Sec.6 (Sir)

Office of the Inspector-General of ... in Mysore,

Dated, Camp Chintamani, 25th June 1921.

From

A. Subrahmanya ... el, Esq., B.A.,

Inspector-General of police in Mysore,

To

B. Ramaswamaiya, Esq., B.A., B.L.,

Secretary to the Government of Mysore,

REVENUE DEPARTMENT.

Sir,

In continuation of this office letter No. Ro. C 2959 dated 22-6-1921. about the riot at Chintamani, I have the honour to forward herewith a copy of the First Information Report in the case and also of the charge-sheet ~~framed~~ presented to the Court of the First Class Magistrate, Chikballapur. As desired in Chief Secretary's D.O. letter dated 21st June 1921, the Deputy Commissioner and I left Mysore on the night of the 21st instant and arrived at Chintamani by mail on the afternoon of the 22nd. A copy of our joint report is enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

Inspector-General of Police in Mysore.

5038

From

The Inspector General of Police

in Mysore.

To

The Secretary to the Government

of Mysore,

Revenue Department.

Dated 26th June 1921.

GEN & REV. SECT.

27 JUN 1921

No. R.O.C. 2959/20-21

Enclosures. Six (6)

REPORT RE THE DISTURBANCE AT CHINTAMANI TOWN.

7429
28.6.21.

Subd. for perusal

D.M.
28/6

2nd Member

Report of first intelligence giving reason to suspect the occurrence of a cognizable (heinous) offence or other important occurrence received on the 18th day of June 1921 from the Kasaba Tana of the Chintamani Taluq.

DISTRICT CRIME No.72/767 of 1920-21.

Complaintant	Sections 148 & 332,I.P.C.	Accused
Government	V.S.	Lesbaba Sait and other Mohamedans numbering about 100.

On the night of 16-6-1921 at about 7.30 p.m. while Jemadar Heerasingh of Chintamani Range with the help of Constables and Drill Instructor was conducting a licensed marriage procession of Vaisya Segu Gopalakrishniah's daughter according to the custom in a flowered palanquin followed by a number of vaisya people, bandsmen, pipers and carriers of gas lights and when the procession was still at a distance from the Asherkhana received information that the mahomedans were intending to cause disturbance and obstruct the procession, and went up to the Asherkhana and finding a large number of mahomedans about 100 assembled there, enquired why they were there, told them that they should not create any disturbance or obstruction as the procession was duly licensed and according to mamul. When the Jemadar was talking to them the procession drew near when the mahomedans came suddenly out of Asherkhana, struck the Jemadar with a club on his head. The Jemadar fell down. Three or four policemen who went to Jemadar's help were also molested by mahomedans with bamboo clubs. Music men, carriers of light and palanquin and the vaisya people were also beaten with clubs and pelted with stones and thereby 10 or 12 persons were injured, palanquin was smashed, Kitson lights were broken into pieces.

Soon after the receipt of information of the above occurrence, Inspector Mr. K.Dummiah who was in the police station engaged in the inspection of registers by the undersigned proceeded to the spot with a revolver and the station gun, dispersed the mob by firing the gun and the revolver in the air, and is investigating the case.

Onthe night of 16-6-1921 to the 1st class magistrate of Chickballapur Sub-Division.

N.B:- The undersigned was inspecting the Chintamani Head Station when

when the information of the occurrence was received. Immediately repaired to the spot and took necessary steps to restore the order and is guiding investigation.

By order

Sd/- E.Kasim,

Headquarter Inspector,
Kolar District.

Sd/- V.Gopala Rao,

Superintendent of Police,
Kolar District.

"Copy"

G. Seshamayya 26/6/21

for Inspector-General of Police.

R e p o r t.

As desired in the Chief Secretary's D.O. dated 21st June 1921, we left Mysore on the night of the 21st instant and arrived at Chintamani on the afternoon of the 22nd by rail. We immediately visited the scene of the occurrence, saw in the Dispensary the Musalman boy, who was reported to have been wounded by a bullet and ascertained from the Sub-Assistant Surgeon, Mr. Mahomed Mahazir, that the injury was not serious and the boy was improving and then visited the lock-up, where 27 Mahomedans were under arrest on account of this case. It was explained that one of the persons injured in the riot had a simple fracture of the tibia and so, all who took part were guilty of a non-bailable offence, punishable under section 325 of the I.P.C. and so, none had been released on bail.

2. The Municipal Vice-President, Mr. Syed Ahmed, (Retired Risaldar), Messrs. Mutvalli Dastagir Sab and Mahomed Sheriff were sent for and questioned at the Travellers' Bungalow. The Vice-President said that about a year ago, the Vaisyas complained in writing that a cistern near the Masjid was demolished by the Musalmans, that with a view to bring about a good understanding between the Hindus and Musalmans a meeting was held and the Vaisyas were requested to stop music, that those present said they had no objection, but had to consult some important people who were absent and that the meeting was adjourned. Later on, the Vice-President learnt that the Vaisyas were not likely to come to terms and so no further meeting was held. Mr. Chakrapani Iyengar, who was then Sub-Division Officer, was requested by him to interest himself in the matter, but he had no time and when he left on transfer he asked the Vice-President and Amildar to try and effect an amicable settlement.

The other two gentlemen said that some Vaisyas and other Hindus stopped music when passing the Masjid, that there were 4 or 5 Vaisyas' marriages in this year and that Karpakal Thimmarajiah,

117 86

Kaivar Narasimhaiya, Kanchi Seetappa stopped music, and that it was only a few Vaisyas that objected. Mr. Dastagir Sab is a witness for the prosecution in this case, and advised the Musalmans not to cause disturbance.

3. Messrs. Munisubbiah, Karpakal Thimmarajiah, Nama Rangiah, Venkataramiah, Suriah, and Venkatrayappa -- all Vaiyas -- were next questioned. They also referred to the demolition of the cistern and their complaint in the matter as the cause of the re-opening of this vexed question, and admitted that a meeting was held wherein the question of music was discussed. They said that at the meeting, they expressed the view that all the 18 phanas had to be consulted and they (vaisyas only) had no authority to settle. They all said that music was never stopped by anybody and were loud in their denunciation of the Musalmans.

Mr. Thimmarajiah said that he did not stop music and added that he gave consent to the demolition of the cistern when he was asked after the ~~affair~~ demolition

4. They produced the documents they rely upon and these were perused. The important ones are:-

1. Mr. Carr's Order dated 8th April 1902,.
2. Government Orders:
   a) G.O.No.17348/J.1566 dated 25th April 1902, &
   b) G.O.No.8445/J.692 dated 17th November 1902,
3. Civil Court Proceedings about a well, dated 3-4-1903
4. Taluk Magistrate's Judgment in Cri. Mis. Case No.1 of 1909-10, and
5. Government Order 2729/ Miz. 280-14-4 dated/ 8th May 1915.

5. Three Musalmans appeared later on.-- Messrs. Abdul Satar, Bahadur Khan, and Syed Hussain. They complained that the Taluk Magistrate's order, under section 144 Cr.P.C. caused

thr

116 67

them serious inconvenience, that arrests were indiscriminately made, and the Musalmans were intimidated and that the police were solely responsible for the occurrence of the day, that the Musicians, as usual, stopped the music, but the Jamadar insisted on their playing and taunted the Musalmans saying that if there was any one with mustaches, he might come, that it was reported the Jamadar had fired at and killed a Musalman, and so all Musalmans shut themselves up in their houses.

The enquiry was closed for the day.

6. On the 23rd morning, the Masjid premises were closely inspected and though the old plans were not available, the important documents were again read at the spot with a view to a correct understanding of the situation. Within a few minutes of our arrival at the Masjid, the Khaji, Mr. Syed Kasim, whose son is one of the absonding accused persons, appeared and explained matters. He referred to a panchayati at Bangalore some years ago, in which Messrs. Sankar Chetty, Abbas Khan, the Sukhaji of Cantonment and others took part and effected a compromise, when a case was pending in the Chief Court. The terms of the settlement do not appear to have been reduced to writing then; and now, each party gives its own version. The Chief Court Order mentions the report of compromise, but does not give the terms.

The Khaji showed us the damaged phinials of the dome of the Mihrab, saying the mischief was done by the Hindus some weeks ago, and the quietness of the Musalmans was secured by explaining that the breakage might be due to monkeys or wind.

7. From the Masjid, we came to the Dispensary and were present when the Musalman boy with the bullet wound was dressed by the Sub-Assistant Surgeon.

8. We came to the Bungalow and resumed the enquiry.

The fathers of the bride and the bridegroom who had ~~the~~ both

9

both received injuries were questioned. The bridegroom's father is of Bangalore City. The bride's father admitted that there were 5 or 6 marriages this year, without any trouble and could not explain why there should have been any trouble on the occasion of his dauther's marriage.

The Khaji Saheb, who was accompanied by 3 or 4 Musalmans, was next called upon to produce the documents he relied upon. He produced some Mahazars of 1901 and a copy of Civil Court attachment order of the year 1896, promising to produce the papers relating to the construction of minarets in 1914 or thereabouts. He said he was not at Chintamani on the 15th and added he would advise all Musalmans to appear before us and represent their grievances.

9. When the enquiry was resumed in the afternoon, the Khaji said many Musalmans had gone to Konur and other villages and some were still afraid to make any statement. Fifteen Musalmans were present; 5 of them said they were offering prayers (Isha Namaz) and heard the sound of music and the firing of guns and when Namz was over, found the Inspector and the Jamadar with pistols and heard a boy cry out he was dead. The Inspector is reported to have said "Throw down the palanquin, extinguish lights and arrest all those present." They say they all then ran away.

Two others say that they decorated the palanquin, that the vaisyas garlanded the Inspector and the Jamadar and enquired what arrangements had been made in the matter talked about, that the Inspector and the Jamadar showed pistol and hand-cuffs, and said they would see there would be no trouble and they would tom tom that no Musalman should come after sun-set. One of them is the uncle of the injured boy.

Three others said that they were moving with the procession seeing the tamasha, that the police were moving about with lattas and guns, that soon after the procession passed the Chowk, there was sound of firing and they all went back, as in the afternoon itself there was talk that nobody should congregate near the Masjid on account of the procession.

One other said that he was absent on the 16th and when he was returning on the 18th, he was informed on the way by Hindus that the Musalmans had been indiscriminately arrested in Chintamani and that he came on Sunday, 19th, and had his shop in the shandy, as usual, without molestation. Three of his brothers have been arrested.

Another Musalman whose shop adjoins the Masjid said the Jamadar taunted the Musalmans and when he (Jamadar) was running back, he fell from the steps and somebody said "Throw down palanquin and extinguish lights." Three others said they were going behind the procession and went back on hearing the firing and seeing people running back, saying the Inspector and Jamadar had shot a boy. No more people being available, the enquiry ended for the day.

10. We then scrutinized the charge-sheet that had been drafted. About 52 witnesses had been examined by the investigating officer, a few more like the Amildar, Sub-Assistant Surgeon, etc., were proposed to be examined in the court. When the evidence was analysed, it was found that there were not less than 4 witnesses against each of the 27 persons already under arrest. In regard to all accused persons who were said to be absconding, it appeared to us that except against 7 of these there was no good case against the others, and we instructed that no proceedings should be taken against these latter.

11. On the 24th afternoon, some Musalmans appeared in two batches and presented written statements. Copies thereof are enclosed and they are practically the same as the statements made on previous days.

In the evening, we examined the balance of ammunition in the police office. There is only one gun here. 14 buck-shot cartridges 28 percussion caps and 5 revolver cartridges had been noted as expended on the 16th and 18th instant.

Information was obtained from the Taluk Magistrate's office about the licenses issued this year for marriages and is given below.

below:-

No.	Date of receipt	Date of marriage.	Name of applicant.	Caste.
1.	16-5-1921	17-5-1921	Lakshmiah of Chintamani	Vaisya
2.	6-5-1921	11-5-1921	Puttappa of	-do- Lagarta
3.	24-5-1921	26-5-1921	Venkatesiah	-do- Vaisya
4.	20-4-1921	1-5-1921	Ramalingiah	-do- -do-
5.	29-4-1921	9-5-1921	Vanchi Venkatanarayya	-do- -do-
6.	27-4-1921	-do-	H.Hanumanthaiah	-do- Goldsmith
7.	5-5-1921	12-5-1921	Manjappa	-do- Lagarta
8.	12-5-1921	14-5-1921	K. Lakshminarasiah	-do- Vaisya
9.	5-5-1921	5-5-1921	Venkatasamiah	-do- -do-
10.	11-5-1921	13-5-1921	Gopalakrishniah	-do- -do-
11.	21-5-1921	24-5-1921	Ramiah	-do- -do-

We enclose also copies of the telegrams we have received in this matter.

12. We do not propose to deal with the occurrences of the 16th, as they will form a subject of enquiry in the Court.

As a license had been issued for another marriage on the 16th and the bridegroom's party was expected on the 17th, it was necessary to see that there was no trouble in that connection. So, some extra Police were got from outside till the procession in the said marriage was over on the 16th night. The orders in this matter being favourable to the Hindus, the superintendent was quite right in taking powerful action to see that they were not violated on the 16th.

The Amildar Magistrate issued an order under section 144 of the Criminal Procedure Code, prohibiting for three days from 17th to 19th any congregation in the Kasba without his orders. It is possible this has caused inconvenience, but he has given permission for prayer to all who sought it.

After disposal of the case in Court, a further enquiry will, if necessary, be held and a further report made.

25/6/21

25/6/21

రుజకే మిత సొంరు లోటు ఉ లోంబాడుయిట్ స్టేషన్ కి ఇరవై నాళ్ళలో కొన్ని లాంఛనాలు పూర్తి చేసి వెళ్ళడానికి మళ్ళీ వస్తామన్నారు.

ఇంతలో సుబ్బి యస్సై గారితో ఇలా తొక్కిసలాట జరగకుండా ఒక్కొక్కరిని లోపలికి పంపించమని చెప్పి యస్సై గారు ఇంటికి వెళ్ళిపోయారు.

ఈ గ్రామాధికారులు నాలుగు నెలలు అయ్యినా రాలేదు. వీళ్ళు రుత్వంతం ఉన్నప్పుడు ఎన్నిసార్లు ఫిర్యాదు చేసినా ఎవరూ పట్టించుకోలేదు. ఇప్పుడు ఎవరో ఒకరు వస్తారని ఎదురుచూస్తూ ఉన్నారు. మేరవణిగి వాళ్ళు ఎవరూ రాకపోవడంతో వాళ్ళ ధైర్యం పెరిగిపోయి వాలకం మార్చుకున్నారు. ఆ ఊరి ప్రజలు వాళ్ళ ఆగడాలు భరించలేక పోతున్నారు. స్వల్ప ఘర్షణ సంఘర్షణలోకి మారిపోయింది. కొన్నాళ్ళు అయ్యాక స్టేషన్ లో ఎస్సై గారి మధ్య జమీందారులకు కానిస్టేబుళ్ళు కూడా బంధువర్గాలయ్యి కొన్ని అంశాలు వచ్చాయి. ఆఫీసర్ గారి వస్తువులు గళ్ళు అయ్యాయి. మేరవణిగి వాళ్ళు ఎవరు వస్తారో వస్తారో అని ఎదురుచూసి ఎవరూ రాకపోవడంతో ఎస్సై గారు ఇంకా ఎవరూ రాలేదు అని ఎదురుచూస్తూ ఉన్నారు.

ఈ జిల్లా మేజిస్ట్రేటు సీమలో ప్రోలాలపల్లె ఇన్స్పెక్టర్ జనరల్ సుడిలిబర వరకూ బరూచ్ మట్టు దిట్టం మిషన్ సాడ్లచీరుచీరుచ్.

చింతామణి యుల్లపాడు వాసిరువ ఈ పిల్లలనీరు జులగళు డొంకల్లట్ట నావుగళు బర్సిపిం ట్టల్లోజిపియుత్తు.

రళిద బోస్తీవార 16నే రాత్రి సీమూరు రిఫ్లింటిసమయుధిల్లి నావుగళు చేం మూలనంతే ఇష్టా ఎంబనవమూజిమ శిలిచిసి ప్రోలాని నవమూ జూచమూ చుత్తిద్దిచు అదర్నవమూ జూచళగాగి నవమ్మ చిన్నగళజింది అరస్కొక్తాని చ్సాంతో మన్సాళ వస్ప్రీరిచుంబాగలాటి అయితు. అప్టీరల్లిలగాల్లగొల్లీ ఎంబ శబ్దగళూ యుత్తు. నావుగళు గ్గా బరి చిద్దు మూచుత్తద్ది రింది తెరుసినోలడి నాం బరింతిందచు చిల్లోగుచప్రీయుత్తిపేచుచ. ప్రోళగాగియి మశాలదిరాంప్టాంతో బూన్సివళగిప్రోలలేజమూదారరు నంతర ప్రోలాలపల్లెన్సిప్టల్లో సీమూపోస్టోడ్లో నాళ్లుల్లార్పస్తారిసీమూతప్టి. నాళ్లుతారంతరపాలనాం జుంచుంచ్సి నాళ్లుతార్ సీగుసీమూటాలప్లీస్యుచ్సి. చింగళూరు నాళ్లుతారీ ఆంజనేయుశిట్ట. నాళ్లుతారీ బలరామయ్యుచ్సి వస్ప్రీరీనుస్నిచరు. ఈగలాంటి నీలాటి అతిశిగాబరింయూగి ఈగజబంఆశిరువళ్లుచుగనుమీంచలు చుచుచ్సిరస్ప్రీప్సురుచూచిదను. జమీలదొరరు పెస్తాలనిందస్ప్రీంచిదను. నస్ప్రీలోగిదనేంచుళ్లుచుగను తూసుతాదిదను. నావు ఎల్లరూ చ్ప్రీయుంచ నీలాటివప్రీరిద్దుమునిచుచిల్లోదివు. ఇన్స్పెక్టరు తస్ప్రీనిలిలస్

2/

అంతకు ముందు ఇదివరకు మీలాంటి వ్యక్తులు సేవలు అందించడం వల్లనే ఇవ్వాళ ఈ భూమి చారిత్రాత్మకమైన నిలయంగా మారింది. ఇక్కడ ఇన్ఫోసిస్ లాంటి ఎన్నో కంపెనీలు ఏర్పడ్డాయి. ఇక్కడ ఎన్నో ఉద్యోగాలు కల్పించడం వల్ల ఎన్నో కుటుంబాలు ఆనందంగా ఉన్నాయి. ఇక్కడ ఎన్నో ఆసుపత్రులు ఏర్పడ్డాయి. ఇక్కడ ఎన్నో విద్యాసంస్థలు ఏర్పడ్డాయి. ఇక్కడ ఎన్నో పరిశ్రమలు ఏర్పడ్డాయి. ఇక్కడ ఎన్నో వ్యాపారాలు ఏర్పడ్డాయి. ఇక్కడ ఎన్నో ఉద్యోగాలు కల్పించడం వల్ల ఎన్నో కుటుంబాలు ఆనందంగా ఉన్నాయి.

"Copy"

ఆ కార్యక్రమానికి
హాజరైన
ముఖ్యమంత్రి
ముందుగా
} ముందుగా నియోజకవర్గ
మంత్రి గారి.

ఇచ్చిన
ఇచ్చిన
ఆదరించిన
ముఖ్యంగా ఇచ్చిన
ముఖ్యంగా బహుమతులు
} ఇవ్వడానికి
ఇష్టపడని వారు
ఆశించి.

Before us

A. Subrahmanyam
24.6.21

Md. Zahiruddin Mecci
24.6.21

ఎంత ఇచ్చినా ఇష్టపడని.

Telegram dated 22nd June 1921 (8 A.M.) from the Hindu citizens, Chintamani, to the Inspector-General of Police, Mysore, (received at 9-48 A.M.; issued from Chikballapur).

"MAY IT PLEASE YOUR HIGHNESS ON SIXTEENTH BIRTHDAY CELEBRATIONS WERE GLAD VERY NIGHT [illegible] VARSHA MARRIAGE PROCESSION WENT ON MUSALMANS WHO HAVE SYMPATHY AND SUPPORT OF THE DEPUTY COMMISSIONER OF THEIR CASTE AND WITH SUPPORT OF PRESENT VICE PRESIDENT TOWN MUNICIPALITY SOME BARK CONTRACTORS ALL MUSALMANS PREPARED TO MURDERS THUS BEGAN BEATING FIRST JAMADAR CONSTABLES AND PEOPLE WITH STICKS PELTED STONES ALL GAS LIGHTS BROKEN TO PIECES STONES THROWN ON SURROUNDING PEOPLE AND HOUSES MANY RESPECTABLE RELATIONS OF BANGALORE MADANAPALLI WERE BADLY BEATEN ON FORE-HEADS AND EYELIDS CAUSING PROFUSE BLEEDING ALL UNDER TREATMENT AMILDAR POLICE SUPERINTENDENT CAME ON SPOT PALANQUIN SMASHED TO PIECES BRIDEGROOM BRIDE SAVED WITH DIFFICULTY POLICE OPENED FIRE RIOTERS RAN AWAY ARRESTS MADE CASE PENDING HEARING SMALLER CASE NEGLECTED BY RECOMMENDATION OF DEPUTY COMMISSIONER MANY WICKED MUSALMANS ACQUITTED AND ENJOY FREEDOM WE EARNESTLY PRAY FIRST ORDER TRANSFER TO DEPUTY COMMISSIONER IMMEDIATELY AND PROTECT US IN FUTURE LIVING DANGEROUS AND RISKY."

(2).

Telegram dated 22nd June 1921 (8-20) from Khazi Syed Kasim, Chintamani, to the Inspector General of Police, Bangalore (received at 8-49). (Issued from Kolar).

"JAMADAR HIRASINGH PRICH TO GOING PROCESSION DISPLAYED HANDCUFFS BEFORE MARCHE BEANS SINGH BALARAMAIAH PROCESSION PRECEDED BY SUPERINTENDENT INSPECTOR JAMADAR CONSTABLES MOVED TOWARDS MOSQUE FIRING SUPERINTENDENT INSPECTOR JAMADAR [illegible] OTHERS ENTERED MOSQUE PEOPLE OFFERING PRAYERS KILLED CRACKED PRAYERS ELDER DEVOTEES FLOED INSULTS [illegible]

JAMADAR KIREL, CAE WORDED BEYOTLE UNDER TREATMENT POLICE ASKED HOW THEY HAD AUDACITY ENTERING MOSQUE INDUCE PREVIOUSLY PROHIBITED BY TCm TCm ORDER PROCLAIMING PEACE SERVED PROHIBITING TOWN AND PARTY MAHOMEDANS FROM ENTERING MOSQUE FOR THREE DAYS SUPERINTENDENT C. FRIDAY MADE PROCESSION AGAIN KEEPING ALL MAHOMEDANS FROM OFFERING Jama PRAYERS AGAINST ORDER INDISCRIMINATE ARRESTS EFFECTED VIOLATING HARDAH ARRESTED PERSONS UNNECESSARILY FED POLICE REFUSING FOOD BROUGHT POLICE TOOLS IN MOSQUE BARRICADED GATES PRAY TRANSFER OF SUPERINTENDENT AND POLICE OFFICERS TO PRESERVE JUSTICE."

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(3)

Telegram dated 22nd June 1921 from Sabji Sab, Siddaghatta, to the Deputy Commissioner, Chintamani. (Received at 5-54 P.M.).

"CHINTAMANI POLICE OUTRAGING RELIGIOUS FEELING PROCLAIMED MOGRIB PRAYERS PROHIBITED 19 JUNE SUNDAY HAVILDAR OFFICER THREATS WITH HANDCUFFS DISPLAY PROHIBITION ORDER REGRETTED ALLAH NOT TO US SATISFACTION DEMANDED."

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(4)

Telegram dated 22nd June 1921 from Syd Ahmed Sabji Khan, Kolar, to the District Magistrate of Kolar, Chintamani, (issued from Kolar; received at 2-18 P.M.).

"CHINTAMANI HAVILDAR CONSTABLES STOOD WITH HANDCUFFS MOSQUE ENTRANCE PREVENTED OUR ABAR PRAYER 19 JUNE SUNDAY WHO REPLIED PROHIBITION ORDER EXCITED CAUSE AFFECTS TOWN TALLY MAHOMEDANS ENTRANCE ATTEMPT WERE DRIVEN OUT PROTEST POLICE ACTION DEMAND SATISFACTION."

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(5)

Telegram dated 22nd June 1921 (2-20) from Syed Ghulam, Abdul Razak Khan Khaja Hussain, Mahomed Jaffar of Bowringpet, to the Dis-

2 trict

99/130

District Magistrate, Kolar. (Received at 14-35).

"CASUAL VISITORS MERCHANDISING • CHINTAMANI WENT EN MOSQUE TO OFFER ZAHAR PRAYERS 18th JUNE SAMADAR CONSTABLES STATIONED MOSQUE ENTRANCE WITH HANDCUFFS PREVENTED ENTRY INTO MOSQUE BY PROFANE WORDS ACTION ILLEGAL SATISFACTION DESIRED."

"Copy."

25/6/21 Chintamani Cafe

25/6/21

G.R.S. III—3]

[To be used only t record.]

MEMO OF INTERVIEW WITH THE DEWAN.

Saturday, 2nd July *1921*.

Name of Interviewer—

Mr. Anjaneyasetty and two others from Chintamani.

Representation in brief—

Represent their case in cornection with the recent riots at Chintamani.

Forwarded, with compliments, to the Revenue Secretary to Government.

By order,

C Ranganatha Rao Saheb
Private Secretary to the Dewan.

5 JUL 1921

N.B.—Should the this

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to 26789

GENERAL AND REVENUE SECRETARIAT
(Police)
, *the* 191 .

Date of issue 18/7

Signed by M Pri

Section Police
File No. 185-20
Serial No.

D. O. No.

To
The Dist Magte,
Local Dist

Dear Sir

With refce to your
report regarding the
disturbance at Christmas
-sind thro' the D. G. of Pol,
I am directed to point
that the report throws
light on the following points
1. the causes of the disturbance
2. & whether the disturbance
could not have been avoi

over.

D-2/1912

by the adoption of timely precautionary measures by the Police & the local Magistrate;

3. the necessity of firing on the part of the Police and whether it could not have been avoided;

4. the no. of persons injured on either side & the nature of injuries received;

5. the manner in which the Musselman boy received the bullet wound; and

6. the necessity for closing the mosque and whether it could not have been avoided by other precautionary ~~measures~~ means;

I am to request you to submit a report upon these points within a week from the receipt of this letter through the D. G. of Police. I am also to draw your attention to the report

List of enclosures-

Copied by

Examined by.

WD 1744—GPB—30,000—19-3-19

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

1334

in the Madras Mail which states that when the Photo of H. H. was taken round in the streets with music, there was some obstruction caused near the mosque, and to enquire whether the said report is true.

Yours Sincerely

D.M.7

SBB 11/7

J223 12.7.21

Copy forwarded with compliments to the D.G. of Police for information with refce to the correspondence ending with his letter No. C 2959/20-21 dt 25.6.1921, with the request that he will duly forward the D. M's report with his remarks thereon.

B.O.

D.M.

for Rev Secy

SBB 11/7

L 1755

Police 185-20-8

Office of the Inspector-General of Police
in Mysore.

No. C.2959/21

Dated BANGALORE, 15th July 1921.

From

GEN & REV. SECTT. 15 JUL 1921

A. Subramanya Iyer, Esquire, B.A.,
Inspector-General of Police in Mysore.

To

B. Ramaswamaiya, Esquire, B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department.

Sir,

In acknowledging the receipt of your Memo No.J.223/Pol. dated 13th instant regarding the disturbance at Chintamani, I beg to state that it seems to me that the enquiry into the cause of the disturbance at Chintamani might be put off till the pending case is disposed of. With this is closely connected the next point, viz. whether timely precautionary measures could not have been taken. The other points might be investigated and reported upon.

16 JUL 1921

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Police.

From

The Inspector-General of Police in Mysore

To

The Secretary to the Government of Mysore.

Dated 15th July 1921.

Despatched /

Received /

General No. C.2989/20

No.

Enclosure No.

Re the disturbance at Chintamani

5145

5-20
9 136

C No. 231
1

GEN & REV. SE...
5 AUG 1921

OFFICE OF THE PRIVATE SECRETARY
TO HIS HIGHNESS THE MAHARAJA OF MYSORE,
Bangalore, 4th August 1921

Petition, as shown below, to His Highness the Maharaja is transferred to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, ... Department, Bangalore, for disposal.

No. 79 of 1921-22.

By Order,

Private Secretary
to His Highness the Maharaja of Mysore.

GBPM—1,000—5-4-20.

OFFICE OF THE PRIVATE SECRETARY
2 - AUG. 1921
TO H. H. THE MAHARAJA OF MYSORE

TO

HIS HIGHNESS

SRI KRISHNARAJENDRA WADIYAR BAHADUR

G. C. S. I., G. C. B. E.

Maharaja of Mysore.

May it please Your Highness,

I. That the Loyal and Law-abiding Mahammadan subjects of His Highness, the Maharaja of Mysore who are in minority in the State, following a different faith from that of the majority, with highly developed feelings for their religion, are grateful to the Government of His Highness the Maharaja for special protection which has so long been given to them in religious matters.

II. That in all places in the Province the Hindus out of regard for the religious sentiments of their Mahammadan brethren and more specially with a view to avoid any kind of disturbance at their prayers were stopping music near and in front of Musjids and hence there used to be perfect unanimity and friendly feeling between the two sister communities in almost all parts of the Province.

III. On very rare occasions when owing to ignorance or some other local causes the feelings between the two communities were about to be strained the sympathetic Taluk and District Officers used to intervene immediately and settle the dispute amicably to the satisfaction of both parties. Disputes in Robertsonpet and Molakalmuru, etc., may be cited as instances.

IV. But unfortunately owing to the recent political developments some interested Brahman leaders and Brahman Officers knowing that the Mahammadans have made common cause with Non-Brahman Hindus, as their grievances and interests are identical, and realizing the possibility of such unanimity becoming detrimental to their own selfish cause, are setting up Non-Brahman Hindus and Mahammadans to rake up the question of music before Musjids and are trying to create dissentions between them in order to serve their own political ends.

V. They have so far succeeded in two places, Tiptur and Chintamani.

VI. In Tiptur the Brahman Deputy Commissioner, the Brahman Amildar, and the Brahman Police Inspector first tried to create disturbances during the Peace Celebrations but the timely interference of our gracious Dewan Sahib saved the situation. But subsequently persisting in their endeavours they instigated some ignorant Non-Brahman Hindus to take a bhajana procession before the musjid and when some Mahammadans requested them to stop music and not to disturb the prayers the Police Inspector came to the spot concocted a case and charge-sheeted them before the Amildar, one of the Conspirators, for being members of the alleged unlawful assembly, and the Amildar in his turn sentensed them to rigorous imprisonment ranging from 5 to 11 months and to very heavy fines although there was no assault of any kind. They had thus succeeded in creating a breach in the harmonious relationship between the Mahammadans and a section of Non-Brahman Hindus of Tiptur.

VII. The memorable Government Order on the Miller Committee Report has made the Brahman Officers to work by all means at their power against Non-Brahmans as a whole ; and they appear to have made the creation of dissentions between the two important Non-Brahman Communities, the first item in their destructive programme of work.

VIII. Taking advantage of the absence in Mysore of the Head of the Kolar District during the Birthday Celebrations, the local Brahman Officers and Brahman leaders selected Chintāmani for their field of activities, knowing that several years ago there was some trouble about the Musjid there (though it had not developed into a serious matter, the differences having been adjusted then and there among themselves) engineered a plot and enacted a tragedy there on the 16th June 1921, the Birthday of His Highness the Maharaja of Mysore.

IX. The whole scheme was thoroughly organised. A sum of Rs.3,000/- was collected *beforehand* for the purpose; the Brahman Superintendent of Police was brought to the place three days before the date fixed to develop the plot in the several meetings held in the Travellers Bungalow; the Superintendent and the Brahman Amildar influenced an ignorant and obedient Vaisya gentleman Gopala-krishnayya who happened to be celebrating his daughter's marriage to arrange for a procession; the Khazi and Non-Brahman leaders were deceived and sent to Mysore under the pretext of amicably settling the question in the presence of the leaders of both the communities, who were there for the Birthday Celebrations; at 7. 30 P. M when the Esha prayer was being offered in the Musjid on the 16th June the procession with music and nautch party escorted by the Police Superintendent, Amildar and their subordinates fully armed with guns was brought near the Musjid and the Police Officers at once rushed into the sanctum sanctorium of Muhammadans, opened fire, disturbed the assembly of Muhammadans lawfully engaged in the performance of religious worship and shot a boy aged 14 years by name Abdul Khader, who happened to be standing inside the holy place without previous warning and least provocation.

A true copy of the medical certificate given to the boy is herewith attached for kind perusal.

X. Thus the sanctity of the most sacred place for Muhommadans was defiled and the religious feelings of Muhammdans throughout was deeply and grieviously wounded.

XI. Not being satisfied with these attrocities the Amildar on the next day—the Jumma day, issued an order under section 144 Criminal Procedure Code, prohibiting the Muhammadans from offering prayers on the 17th, the most sacred day for the Muhammadans and the two following days in the Musjid (which he insultingly termed as Ashur-khana)—a deliberate breach of the avowed policy of the Government; armed Police were placed before the Musjid and on the 19th the all-powerful Superintendent and the Amildar organised and led another procession to the very gate of the holy place and halted there for 2 hours enjoying nautch party and music with a defient and revengeful attitude with the sole object of disgracing the helpless Muhammadans and defiling their religious institution.

True copies of the orders of the Brahman Amildar dated 17—6—1921 and 18—6—1921 are herewith attached for favour of reference.

XII. The memorialists most respectfully submit that the misdeeds of the Police have no precedent in the history of the State.

XIII. The very fact, that unlike in British India, mis-representations are being made in the Press and even in the Legislative Council and that the Brahman politicians are not taking the cause of the wrong-doers and the oppressed is a proof positive of the political motive lying behind the whole plot.

XIV. The Inspector General of Police went to the place long after the occurrence and made a show of investigation but as could naturally be expected of him and one in his position, he seems to be trying to save the offenders and the memorialists have absolutely no confidence in his doing any kind of justice to them.

XV. The memorialists submit that, unless the Government takes a bold stand and awards exemplary punishment to the wrong-doers and the mischief is nipped in the bud, the contagion will spread throughout the Province and such disturbances will be created in all places and the peace of the land will be imperilled.

XVI. These incidents have created a thrill in the minds of the Muhammadan population and they expect the Government to do their duty by them, punish the offenders, alleviate their grievances and instil confidence into them.

XVII. Wherefore the memorialists pray that immediate steps be taken to thoroughly investigate into the misdeeds of the Police Department, the Amildar, the Inspector and the Jamadar and award them exemplary punishments for the offences :—

(*a*) of causing music, baja-bajantri and nautch to be played in front of the Musjid on the 16th June at the time of Esha prayers and disturbing the religious assembly, an offence, punishable under section 296 Indian Penal Code.

(*b*) of criminally trespassing into the musjid and ordering the assembly engaged in Namaz to disperse.

(*c*) of opening fire within the Mosque and shooting a Mussalman minor therein and thus committing a sacrilegious deed.

(*d*) of prohibiting Mohammadans from entering into the Mosque and offering prayers therein for 3 days including a jumma day, *viz.*, 17th, 18th and 19th June and making an exception only in the case of 9 Mohammadens on the 18th and 19th June 1921.

(*e*) of stationing armed constables before the musjid for some days after the 16th.

(*f*) of bringing another procession on the 19th night and holding a nautch party for 2 hours before the mosque openly humiliating the already disgraced Mahammedans.

In conclusion your humble memorialists, representatives of the Mahomedan Community in the Province, most respectfully pray that with a view to make a fair and unprejudiced enquiry into the details of the above crimes committed by a mischievous section of the Government officials and Brahmin leaders a Committee of officials and non-officials may be appointed to visit the place and to take evidence and report to Government on the matter, so that the future religious safety of the Musalman subjects of H. H. the Maharaja Mysore may be ensured in all these respects.

We beg permission to subscribe ourselves

Your Highness'

Most humble, dutiful and loyal Subjects.

Musalmans of Devanhully

CERTIFICATE TO CIVIL AUTHORITIES IN POLICE CASES.

Certified that I examined one Khadirsab aged about 14 years on 16-6-21 and found the following injury on his person :—

A circular gunshot wound of the size of a two anna piece at the pit of stomach and it is about ¼" deep.

The injury might have been the result of a bullet probably conical and took 23 days (Twenty three days) to heal under proper treatment.

(Sd). MOHOMED MAHAGIR,
Sub-Assistant Surgeon, L. F.
Dispensary, Chintamani.

9-7-21 "True Copy"

IN THE COURT OF THE SECOND CLASS MAGISTRATE, CHINTAMANI TALUK.

ORDER UNDER SECTION 144 CRIMINAL PROCEDURE CODE.

To—The Mahomedan Community of the Chintamani Town and Taluk.

Where as information has been received from the Inspector of Police, Chintamani Taluk, that a large number of Mohomedans formed themselves into an unlawful assembly at the Ashurkhana in the Doddapet of Chinthamani Town and obstructed a licensed marriage procession of the Vaisya Community on the night of the 16th June 1921 and also caused hurt to the Police Officers on duty and others by beating them with clubs and pelting stones at them and damaged property of the value of over three hundred rupees and whereas it has been made to appear to me that if any assembly of Mahomedans and others be allowed to be held at the said Ashurkhana, similar disturbances and breach of the peace are likely to occur as licensed processions of Vaisyas are expected to take place this day and two succeeding days, I hereby order you or any others not to enter the premises of the said Ashurknana without permission or assemble there on 17th 18th and 19th days of June 1921.

Given under my hand and seal this the 17th day of June 1921.

Seal.

(Sd). B. VENKATAKRISHNAPPA
Magistrate 2nd Class,
Chintamani Taluk.

Taluk Magistrate Court,
Chintamani Taluk.

TO
THE INSPECTOR OF POLICE.

Mutuvalli Dastagir Sab, Pesh Imam Syed Sab, Jutha Syed Sab, Mozen Sab-Muli Sab, Syed Esuf, Syed Buden, Sheriff Sab and Mahomed Shariff are permitted to offer prayers. No others should be allowed.

(Sd). B. VENKATAKRISHNAPPA
Magistrate, 2nd class.

"True Copy"

18-6-21

V. Sangha Press.

سید عبدالعزیز

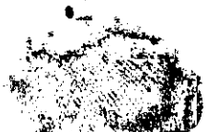
محمد ابرار رحیم

سید آدم حسین

شیخ محمد یحییٰ

احمد شریف

عبدالقادر



داود صاحب والے سید محمد شاہ

لکھا

شیخ عبدالقادر

Police 185-20—9 8 20 147

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE.

No. Acc. 2959 / 20.

Dated Bangalore, 26th August 1921.

Encls. one file

07657

JUDL & REV. SECTT
28 AUG 1921

From

A. Subramanya Iyer, Esq., B.A.,
~~The~~ Inspector-General of Police in Mysore,
Bangalore.

To

B. Ramaswamaiya, Esq., B.A., B.L.,
~~Chief~~ Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department.
Bangalore.

Sir,

As desired in your Memo No.J.223/Pol. dated 13th July 1921 about the Chintamani riot, I have the honour to enclose the report of the Deputy Commissioner addressed to you with my remarks.

2. What the immediate cause of the riot was, was not clear when the joint enquiry was held.

The Mussalmans blamed the Police and the Vaisyas blamed the Mussalmans. That in this year, and when the officers referred to in the Deputy Commissioner's report held their offices, there were some marriages of Vaisyas when there was no trouble, is admitted by both the parties.

If the Vaisyas were not stopping music and the Mussalmans were not objecting, it was not clear why on the 16th June the Mussalmans should object. On the other hand, if the Vaisyas were on account of timidity, stopping music, it is not clear why they should on the 16th think of exercising their right of not stopping music. If it is said that the Vaisyas were quiet and the officers set them up, it is also not clear why these same officers

who have been for a year and more in the Taluk and District should become active on or about the 16th of June and not earlier, when other marriages were celebrated.

The matter was thus one to be determined by probabilities; and, as we were of opinion that further enquiry should be held after the case ended, we left the matter at this stage remarking in para 8 of our report that "the bride's father admitted that there were 5 or 6 marriages this year, without any trouble and could not explain why there should have been any trouble on the occasion of his daughter's marriage."

3. The Deputy Commissioner, I believe, has now held a further enquiry and the Amildar is said to have made a statement "that some of the Vaisyas, who had just celebrated their marriages, had admitted before him that they had stopped the music in front of the Masjid in their marriages."

If this statement of which I have no recollection was made when the Deputy Commissioner and I were there for the joint enquiry, it might be that we made no reference to it in the joint report leaving it to the Court to thresh out the matter and come to a conclusion.

The Deputy Commissioner is now of opinion that mostly through fear of trouble the Vaisyas abstained from playing music. Therefore, it is argued that the license "to play music on the 16th was a violation of mamool, which, not unnaturally, provoked the Mussalmans.

Before I could agree in the strong indictment of the Police, I should have to see the evidence upon which it is based and take the explanation of the officers. Mere rumours serve no purpose.

4. Until I can come to a conclusion on this point, I cannot say anything about the adoption of precautionary measures.

5. As regards the necessity for firing, I am of opinion that there was necessity. The object was to put an end to the disturban by scaring away the disturbers. There was no idea of encountering them and fighting a pitched battle. Had the Police gone by the back gate and hemmed the disturbers in, the consequences would have been very serious. They wanted to uphold authority without causing any loss of life and I must say they have succeeded.

6. There is nothing for me to say about the number of persons wounded or about the injury to the Mussalman boy. As observed by th Deputy Commissioner, except this boy no other Mussalman had any injury. All the other injured in the case were Vaisyas. The list referred to on page 16 of the Deputy Commissioner's letter has not been received and has been called for.

7. The closing of the mosque was, in my view also, an extreme measure that was not necessary. The Amildar Magistrate looked into the commentaries in the Criminal Procedure Code, found a case of a temple, I believe, being closed and right off made an order closing the mosque.

I have the honour to be,

Sir,

Your most obedient servant,

Inspector-General of Police.

WD 02964—300—14-5-20

From

The Inspector-General of Police
in Mysore, Bangalore.

To

The Chief Secretary to the Government
of H H. the Maharaja of
Mysore,
Bangalore.

Dated
Despatched } 26.8.21

No. C. 2959/21

Enclosure one file.

Subject.

Confidential

D.O.No.J.C. 14 Office of the Deputy Commissioner,
Kolar District,
Dated, Kolar, 20th August 1921.

Dear Sir,

With reference to your letter No.222/Pol. 185-20-7 dated the 13th July 1921 calling for further report on certain points, I beg to state as follows:--

2. (a) The origin of the dispute goes so far back as 15th December 1896, when the Khazi of Srintamani and others, presented a petition to the District Magistrate, complaining that the Hindus did not stop music in front of their Masjid etc. The several stages of the enquiries and orders etc, need not be gone into now. It is sufficient to state that while the Muhammdans have claimed this was their Masjid, the Vysiyas have maintained that it was merely an Ashurkhana converted into a Masjid by the Muhammadans. In addition to the orders of the then District Magistrate, the Government also declined, in their order No.6445/J.C.A dated the 18th July 1908, to interfere in the matter, and to pass any orders directing the stoppage of music as prayed for by the Muhammadans.

(b) Since then several attempts have been made, to effect some compromise between the parties, but to no avail, for the matter was never completely set at rest, the only tangible result being, that the Muhammadans agreed, when they prayed for permission to put up the Minaretts, now to bring dead bodies to the Masjid for prayers which had been another greivance of the Vysias.

(c) On the 16th June last, while one Gopalakrishniah went out in procession, with the bride and bride-groom in the palanquine, having previously obtained the necessary license from the Taluk Magistrate, the Muhammadans attacked the procession, and committed a series of assaults, against the Police and the Vysiyas. In the course of the enquiry, it was admitted by the Brides father, that there were no less than

5 or 6 marriages this year among the Vysiyas, all within the course of about a month) without any trouble whatever, but neither he not any of those Vysiyas, who came with him, could explain, why there should have been any trouble at all, on the present occasion, especially as they said, that the music was played, in front of the disputed building on the day in-question, as per mamool just as had been done during the previous 5 or 6 marriages, which were all among the Vysiyas community in the same street. The local police and the amildar were similarly unable to offer, any satisfactory explanation for this

d) The Muhammadans alleged that though the District Magistrate and the Government had passed orders, that music be not be stopped in front of the building in dispute, yet partly owing to a spirit of compromise, as they had yielded in the matter of their right, to bring dead bodies before burial, for prayers to the Masjid, and partly through fear of possible trouble, the Vysiyas had abstained from exercising their right. It was thus, that the 5 or 6 marriages that had immediately preceded the one in question, had passed off without any hitch. In fact the amildar gave out, that some of the Vysiyas who had just celebrated their marriages, had admitted before him, that they had stopped the music in front of the masjid, in their marriages. When, however, these Vysiyas came with Sega Gopalakrishniah and the others at Chintamani, they did not appear willing to make this admission. They all stated on the contrary, that they had also exercised their right. My own impression is, that mostly through fear of trouble, partly in pursuance of a conciliatory policy, and of efforts to effect a compromise, Vysiyas have been abstaining from the playing of music before the building in dispute, this at any rate is the only possible explanation of the absence of any trouble, during the 5 or 6 marriages, that immediately preceded the one under enquiry, in which the bride's father, is alleged to have enlisted the sympathy of the local officers, and secured their assistance, but they would not, to the prosecution without the stipulation

of music! This attempt to break through this Lamool seems to have been the sole and immediate cause of the disturbance.

(e) I do not omit to mention here, that rumours are persistent, that money was collected, presumably to secure the help and assurance of the local officers referred to above, in which the bride's father seems to have taken a leading part, and the other Vysiyas, to have joined with him, in what they believed to be a last determined effort, to establish their admitted right, which some how had remained a mere dead letter all these years. They are alleged to have contributed freely, towards the attainment of the object. But I have not thought it proper, for obvious reasons, at this stage of the case, to go into these matters.

(f) Whatever may be the part played by the several officers in the affair, there can be no doubt whatever, that this was an open secret with the Mohammadans, the part, that was intimately connected with the question, and their feelings towards the local officers, therefor, seem to have got greatly embittered, so much so, that 4 or 5 days prior to the date of the occurrence, according to the police version itself, they went and openly consulted a pleader, by name Mr. Sarma, who lives 3 or 4 miles away from Chintamani. They told him they had learned, that the Vysiyas had arranged to take the procession with music in front of the Mosque, that they were determined to obstruct the procession, and wanted to know what would be the consequences of the act!!.

(g) What could it be that led to so much consternation on their part, as to drive them to go and consult a lawyer, who was not of their own community, and who possibly could expose them, if the playing of the music in front of the building, had really been a thing of common occurrence, all along, and the right, had really been exercised in the several marriages, that had been celebrated, immediately preceding the one under reference?

5. (a) It may also be, that the disturbance be due to

certainly have been avoided by the adoption of timely precautionery measures by the Police and local magistrate.

(b) Having apparently made up their minds, to go ahead with the procession, with music in front of the masjid, it seems to me, that they created a Fool's paradise for themselves, and never took any precautionery measures to meet possible contingencies. It seems to me that they were quite contented with the fact, that it was not a recognised mosque, and that both the District Magistrate and the Government, had declined to grant the prayer of the Mohammadans, to order the stoppage of music before the building. They did not keep themselves informed, of what was going on, outside their own circle, and failed to take note, of what was being almost publicly talked off in the streets and the comments that were being made about their attitude in this affair! They seem to have been too self-satisfied, and too confident of their own powers and resources! It has been suggested, that another reason that led them, to such a self satisfied course of conduct, was, their knowledge of the opinion, that I had expressed, some time ago, in the Representative Assembly, when the question of the playing of the music in front of the mosques, was brought up for discussion, and Sir. M. Visvesvaraya had enquired of some of those present, as to what their personal views were in the matter. I do not consider this as improbable.

(c) Granting, however, that the allegation that the Vysiyas had secured the assurance of help of the local officers, as above, are not true, there is still the hard fact, that the Mohammadans had gone and consulted a lawyer 2 or 3 days prior to the day of the procession, and given out to him, what they intended to do. This shows at any rate, that the Mohammadans had not been talking in camera or in whispers. Yet the local officers, had absolutely no idea of what was being going on! According to the Police Superintendent's letter there were more than 100 Muhammadans assembled in the masjid, to assault the Vysiyas, that there was a big heap of s

stones, collected in the open yard in front of the Masjid, and there was a big heap of bamboo sticks, found in the corner (nearest the public street) in the open maidan, adjacent to the Masjid. All these are quite exposed to the public view. In fact the Masjid and the sites in question, being situated in the centre of the Vysia street, with an upstair Vysia house right in front of, and overlooking the Masjid and its surroundings, it is impossible to believe, that all this could have taken place, without attracting notice, knowing as we do the extremely suspicious and vigilant nature of the Vysyas!! Yet the local officers plead, that they were absolutely ignorant of all these facts, till the actual commission of the assault on the procession!! The circumstances, in fact are such, that in spite of themselves, they should have come to know of what was going to happen!

(d) It was stated by the police inspector and the Amildar, at the time of the enquiry, that the Mohammadans had raised an ~~obstruction~~ objection in the morning of the day of occurrence, when during the procession, organised to celebrate His Highness the Maharaja's Birthday, an attempt was made to continue to play music in front of the Masjid. Was this not enough to put the local officers on their guard, and set them a-thinking, as to what might possibly transpire, when the Vysya procession was to come off the same evening? They should have immediately arranged, to get all necessary help, from every possible source, to prevent any breach of the peace, and if the arrangements could not be completed and perfected, in time, for the procession, they should have gone to the length of postponing it, if need be for a day or so. They however did nothing of the kind. The Inspector General of Police, when talking over matters, at the time of the enquiry at Chintamani, quite pertinently narrated to the local officers, the facts of a case from Madras to illustrate, that on occasions, it would be quite necessary, in spite of orders of the Judicial tribunals, not to issue license for such processions. In the above case, he stated that in a

in a similar dispute, the Mohammadans of Triplicane claimed the right to stop music in front of the mosque, while the Hindus who disputed it, went up to the High court, and finally got an - order in their favour, and yet the Commissioner of Police, Madras had, year after year, persistently declined to issue a license to the Hindus, on the ground, that it would lead to a breach of the peace! Was it therefore, too much to expect, the local officers including the Taluk Magistrate, to have at least delayed the procession for a day, till they were able to complete their arrangements to prevent such a breach of the peace?

This requires examination & Thanks by us!

(e) The whole police version looks more or less like a farce, if it should not be said to resemble a game of - "touch me not", when every one wanted to shirk his responsibility, and to keep as far away as possible, from the actual scene, leaving the whole show to be managed, by a petty incompetent and - reckless Jamadar! It is stated that the Police Inspector was engaged in the inspection of the Station, by the District Superintendent of Police. According to the District Superintendent letter, the riot took place between 7-30 p.m., and 8 p.m., and it is queer, that the inspection of the Station, should have detained the Inspector, at such an unusual hour; especially when a private procession, with music had to take place, and the Mohammadans had raised objection that very morning, even in connection with the procession with the photo of His Highness the Maharaja!!. I should, in view of this, have expected, not merely the Inspector and the Amildar, but the District Superintendent himself, to have been with the procession! It is not a wonder, that they should have ever thought, of allowing the procession, admittedly at a time, when the evening prayers would be going on!! Not only did they thus undertake a serious responsibility, but at the same time, they shirked it in a most reckless, if not cowardly way! In his letter of the 17th the District Superintendent of Police says 'the Amildar was there at the time" the riot had took place, and it was at this juncture, the police inspector had was with him" not "found it necessary to the place. and it

159

But the amildar in his letter of the same day, not only did not indicate, where exactly he was at the time of the riot, but somehow made out that, "both myself & the superintendent of police hurried up to the scene, thus showing at any rate that he was not there already, but went with the Police Superintendent! Before the Inspector General and myself, the amildar gave out that at the time of the riot he was in the co-operative - Society, which is not more than 50 to 100 yards from the scene of occurrence. It is clear from the letter of the District - Superintendent, that when the procession was still at some distance from the Ashurkhana, the amildar learnt, that the Mohammadans were intending to cause a disturbance and obstruct the - procession. What arrangements had the several officers made, to keep themselves in touch with what was going on? What was the understanding between them and this amildar, about the information that came to his notice? It is stated that while after - getting this information, the Jamadar went to the Ashurkhana, he found a large number of Mohammadans assembled there. What was his duty under these circumstances. Did he send any information to his superior officers? At what exact distance, the procession was at this time is not stated, any how, it could not have been very far from the co-operative Society, where the amildar was admitted; present. According to the Police Superintendent's letter, "after enquiring why they were there, the Jamadar was told that they would not create any disturbance or obstruction, the procession having been duly licensed and according to law". Then one of the Mohammadans suddenly called out "Din" and assaulted the Jamadar". But the statement of the Jamadar, as given by him in the above statement would show, is quite different. He made out, that as a return for their abstaining from obstruction, he had put hopes to them, that as soon as this marriage was over, there would be a settlement or compromise between the Hindus and the Mohammadans, and was given to understand by the latter, that the playing of music will be not stopped!

[illegible] apparently after the Mohammadans

for one of the Mohammadans to tell the first that at once he cried "OH" they should join him etc!

(f) If nothing else at least, this was enough for the Jamadar to have immediately given information to the Inspector, Amildar and the Superintendent. But he, to say the contrary, he called his man, as he wanted to talk over the matter with him, when the riot took place. It was clearly presumptuous on the part of the Jamadar to have undertaken to parley with the Mohammadans on his own responsibility.

(g) Before the Inspector General and myself, the Amildar stated, that when he got the information about the collection of the Muhammadans and their intention to cause a disturbance, he sent for the Muttavalli i.e. Dastagir Saheb, and sent him to go and advise the Mohammadans, & as this gentleman was advising them, the riot took place. The question arises, why the Amildar himself did not at once proceeded to the Masjid, instead of asking a private person to go and restore order! As a Magistrate, if not as the Taluk Head of the Police, it was his duty to have at once gone and seen to things himself! He should at the same time, have asked the procession, not to proceed further, till he communicated the information to the Police Inspector and the District Superintendent. I should think the Amildar stands self-condemned by what he says he did at such a critical juncture as above.'

(h) The Jamadar who while the procession was still at some distance from the mosque, had learnt of the intention of the Mohammadans, to create a disturbance, and obstruct the procession, and who actually went and saw the large number of Mohammadans collected there, should have forthwith communicated the news to his superior officers. It is impossible to resist the conviction, that the Local officers including the Magistrate, palpably failed to adopt the most ordinary precautionary measures, and were also guilty of error in their respective duties by keeping away, from the actual scene of operations, and shifting the whole burden on a petty low paid official like the Jamadar.

(1) Their failure to indent for extra help is easily explained and their conduct must be said to be logically consistent,, the theory set up by the local officers being, that the playing of music before the Ashurkhana, was duly licensed as per mamool and custom! As a matter of fact, however, what they had arranged seems to have been contrary to mamool, at any rate, quite contrary, to what had been observed in the 5 or 6 marriages, that had been celebrated among the Vysyas immediately before this marriage! Hence if they had arranged for extra help and taken extra precautions, their conduct would have at once looked inquisitorial and suspicious! They were in fact between the 2 horns of a dilemma! In trying to avoid the suspicion, they deliberately courted danger, and by their apparent unpreparedness, emboldened the Mohammadans, and actually rendered themselves absolutely helpless, in meeting the situation they had brought about!

(2) It is impossible to believe, that the Inspector and the Amildar were ignorant of the opposition which the Mohammadans had determined upon. It seems to me, that their whole conduct, was in accordance with a prearranged deliberate plan. They were conscious, that they were taking a hazardous step, but apparently, wanted to be logical, and to manage with the men actually on the spot! There is clear internal evidence of their anxiety, which compelled them to adopt some precautions, - which clearly were quite out of the ordinary! The Amildar's 1st letter to me shows, that the procession in question, had a special escort, consisting of the Police Jamadar and some constables. The Police Superintendent's letter also says that "the Jamadar was in the procession" at the time of the riot. The Kasba station diary of the 16th inst., shows that Jamadar and 5 constables had been deputed for procession duty on that day. With a view to see how the previous 5 or 6 marriages processions among this very community, had been treated, I sent for the Kasba Diaries of the whole period, In not one of these has any Police officer or man been detailed for procession duty! Then what was

was so special in connection with this marriage, that required such a grand Police escort as above? If the playing of music in front of this building was a thing "quite according to custom" (District Superintendent's letter) and if this right had been exercised also in the previous 5 or 6 processions, and no escort had been found necessary for them, why was Police M police escort arranged for the procession in question? Not only was a grand police escort arranged for this, but the escort had also clearly been provided with a gun and ammunition!!. What was this special honour or precaution due to? A perusal of the Amildar's and Police Superintendent's letters, leaves no doubt, that the police Jamadar had gone armed with the station gun and buck shot cartriages! What was it if not the fear in the minds of the local officers, that the playing of music in this marriage, which they had arranged, was likely to lead to an outbreak that impelled them to take these extraordinary precautions, as compared with the 5 or 6 marriages that had gone so shortly before.

(k) Under the circumstances, I have no hesitation in saying that

1stly--The local officers were conscious that the playing of music in this particular marriage ~~procession~~ was contrary to Mamool,

2ndly--That an attempt to enforce this right of the Vysiyas, would lead the Mohammadans to cause trouble, and that the Mohammadans had in fact made up their minds to obstruct the procession. From the fact, that the whole town was in consternation, and the feelings were running high, it is impossible to attach any value to the plea, that the ~~whole~~ riot was a sudden and spontaneous outburst, which took the several officers altogether by surprise! It is idle for the Amildar to plead, that he was in the Co-Operative Society at the time of the procession, and only a few yards from it, and yet did not know of the progress of events! It is similarly idle for the police Inspector, to raise the same plea. If these officers had really kept the District Superintendent right as to the situation, from

which in itself would be serious reflection on the control and supervision over the subordinate police officers, their conduct cannot be too highly condemned, as being unfaithful - and utterly wanting in a sense of discipline.

Orally,--- while being conscious of the risk they ran, the local officers were between the horns of a dilemma, as they wanted to maintain the theory, that the playing of music in - front of this building was "quite a mamool" and not a demonstration, and so to the fought shy of [illegible] for special - extra police. At the same importance, however, they attached to this single procession, out of so many, by entailing a special escort armed with a gun and ammunition, is proof positive of their anxiety. But these precautions were quite inadequate in view of the serious nature of the risk they ran.

4thly,--- In spite of this blunder, it is quite - possible, if the several officers had been of the spot, the riot might have been averted. Either [illegible] would have submitted to the inevitable, or the local officers realising the - gravity of the situation, would have postponed the procession, - its further progress. But as it was, they shirked responsibility in a most cowardly way. While on the one hand, they refused to allow a procession on the lines already indicated, - they wanted, each to keep as far away as possible from the actual scene, and at the most critical time, and left the management of the whole show to a low paid unscrupulous Jamadar, who by his provocative conduct and language, is said to have - recklessly precipitated matters. [illegible] this obligation to the actual party, he so far forgot himself, that he [illegible] early before the procession reached [illegible], and also went in a motor car, - saw the large number of [illegible] and [illegible] the crowd, - hesitated for a moment, and never thought of securing a [illegible]. - His superior officers, [illegible] humbly, [illegible]

[illegible]

ammunition, and handcuffs, boots, which latter have been brandishing at the Police, as he was speaking to those in the mosque.

4. (a) As regards the necessity for firing, it could not have been avoided. According to both the Commissioner of Police (vide their D.O.No.), by the time they and the Inspector reached the place, the riot had practically been committed and completed, the cart and the bricks and the Brickbat party had been assaulted, the brickbats had been nearly removed, and the palanquin and the cart were being burnt. In the words of the Police Superintendent, "the mischief was there" already, and at this juncture the Police Inspector ran up with his revolver" which he followed with his own. He found on arrival, that "the Muhammadans were pelting stones very briskly to prevent the Police going up to them. The Inspector and others then called out a number of times, to desist from pelting stones, on pain of being fired at and the Police men were being struck with some thing at them. Thereupon the Inspector had the muzzle loading gun fired 3 times in the street and himself fired the revolver in the air, in that direction. Within a few minutes of this, all the Mohammadans cleared away and escaped from behind the Ashurkhana". The Commissioner also says, that "When the District Superintendent of Police and his staff hurried to the scene, they could not reach the Ashurkhana, where from stones were being pelted enormously. After one or two shots were fired in the air, by the Inspector with a revolver, quiet was restored, but not before all the rioters had escaped from the back portion of the Ashurkhana". Thus it was owing to the pelting of stones from the Ashurkhana, that was causing anxiety to the Police, who on that account could not reach the building. It is a question if this required the extreme step of the firing of guns by the Police? Admittedly there was an outlet in the rear of the Ashurkhana. Could not the Police have tackled the rioters through this outlet, if not from the front gate? If ever this was not possible, they could easily have

have waited and seen how long this stone throwing would continue! Cut off from all sides, and confined within the walls of the Ashukhana, the rioters could not have continued their stone throwing long: at any rate, it appears to me, that when once the bridal party and all had dispersed and gone home, an armed guard placed in front of it, or as near it as possible, would have more than answered the purpose, and the firing could have been reserved, so as to prevent them resorting to any free acts of violence. As it was, there was admittedly no imminent danger to life or property. Had the rioters come out of the Ashurkhana, and made an attempt to advance against, or to attack the police, or the others, there would certainly have arisen the opportunity to use the guns. The reported use of the gun and the revolver therefore was apparently un-warranted.

(b) When in the course of talking over matters, with the local officers, on the 1st day, they were asked what use there was to fire the revolver, which at best could injure only one, and why buckshot cartridges were not used, which would have disabled a large number of persons, and would also have served splendidly for purposes of identification etc, the Inspector and the Amildar explained, that as it was dark, and there was no crowd in the street in the open, it was not possible to fire at the mob, with that view. All that they could see was that the stones were coming from the Ashurkhana side. Such being the case, the mischief was obviously, all confined to a narrow sphere, which could have been easily made, to get lights and sufficient help to deal with the rioters quite effectively! The gun and the revolver would have ever been ready and available for use at the right moment. It seems to me that the local officers lost their presence of mind, were terror-stricken, and fired aimlessly as if in a panic! Though according to the Amildar, - "only one or two shots" were fired from the Inspector's revolver, while according to the Assistant Bank Officer, 14 buck-shot cartridges and 5 revolver cartridges have been used at each one fire, at the request of the Inspector.

yet according to the superintendent the smuggler who was first there three times in addition to the firing from the revolver

disparity, all the more glaring, for according to the diary, while 6 revolver cartridges were fired no more than 5 buck-shot cartridges have been shown as expended'. These contradictions need no comment & make the whole matter look highly suspicious. But the stock register in the Kasba office may be accepted as accurate for the present purpose. What exactly led to this lavish and extravagant expenditure, is not understood, and was not indicated in the letters, that were written to me & the Inspector General, in the very least way, but on the contrary, as is apparent from their perusal, a positive effort was made in them, to hush up this fact, and to minimise it as far as possible! This expenditure was stated to have been on 2 days, viz, 16th and 16th idem. (Via mi print upon) So far no report has been received of any firing or of any need for it, on the 16th, the first report, and every body has been under the impression that it was all over on the 16th. With a view, however, to put the matter beyond doubt, I sent for the Kasba Diary for that day and there is absolutely no reference in it, to any such firing or even the need for it! Again while the Diary for the 16th gives also the number of cartridges used there is no such entry in the Diary of the 16th. It is not improbable, that with a view to avoid being found fault with for spending so much ammunition on the 16th, a manipulation of the figures was resorted to, if not an altogether false statement was made. If however, in spite of all this, it be presumed, that firing was also resorted to on the 16th idem, the question arises as to why the peculiar circumstances that necessitated it were not reported, Was it merely to terrorise the rioters against the reoccurrence of any possible outbreak? As admittedly extra police was soon after the riot on the 16th beer got, from the several stations to keep order, the necessity for this special firing of guns on the 16th is not known.

(c) That the officers concerned had a peculiar unwillingness, to intimate to the authorities, correct information about the use of guns, is apparent from the account that was -

was given of the gun shot wound caused to the Mohammadan boy. I invite reference to the account of this incident in the - District Superintendent's letter of the 17th, where it is stated, that when this boy was asked, he said that while he was - looking at the Jhamasha from the Ashurkhana, he was hit "By some thing like a light which came up to him" This was also the language used by the Amildar when he was describing the incident to us, and he repeated what the District Superintendent of Police had written in his D.O.viz, " we thought it must be fragments of the Kitson lamp which were smashed "! If there is one thing more than another, which shows unmistakably, that the local officers, after what they had done, set about sending a most incorrect and deliberately garbled account of the affair, it is this! It is clear from the police account, that the firing of gun and revolver were long after the Kitson lamps had been smashed. As the medical certificate, has put it beyond any possible doubt that it was a bullet wound, and ball cartridges were fired only by the Inspector from his revolver, it naturally follows that the wound was caused only after the firing commenced, after the arrival of the several officers on the scene! By what stretch of imagination then, could any person believe or ever suggest, that the wound "must have been caused by a piece of glass from the Kitson lamps"! In fact the very nature of the wound, which could not possibly have been from a piece of glass, falsifies the suggestion put forward by the Police! It is impossible to believe that the Mohammadan boy, could ever have been able to conceive such a fanciful and silly idea, as has been attempted to be put into his mouth, by responsible officers, contrary to his own peculiar and unpleasent personal experiences"! In fact, when the Inspector General and myself went to the Hospital quite unawares, we found the boy sleeping in the verrandah, and when questioned, he stated, that soon after he was hit, the police came up to him, and in the presence of the Police Inspector a constable took away the bullet, which was removed from where it was sticking on in the skin of his stomach! The statement was

was most natural, and is quite consistent with the medical certificate, which shows that the bullet when it struck him, had almost expended itself, and hence could not penetrate into the stomach. According to the boy the bullet was taken away by the Police that very night. Apart from this, the news that the boy was shot spread like wild fire, and from what all was learnt at Shimtama I, was known to every body. The Assistant Surgeon said that he gave out to the Police on the morning of 17th, that the wound was caused by bullet. This is supported by the Kacha Bagh diary of the 16th written on the morning of 17th. Yet in the letter written by the District Superintendent of Police in the afternoon of the 17th, the suggestion has been made that it was a wound caused by a piece of glass from a Petromax light!! Such a deliberate attempt to distort fact and give altogether a false and misleading account of the incident, is not only unbecoming, but betrays there was something which the police were not willing to face, and was resorting to such devices to avoid the same!

6. As to the number of persons injured on either side and the nature of the injuries received, enclose copy of the list of persons injured. No other persons were injured on the side of the Muhammadans.

6. The question of the way in which the Muhammadan boy got the bullet wound has been incidentally dealt with under para 4 supra.

7. As to the necessity for closing the mosque etc, I must condemn this act of the Assistant Magistrate, as extremely unwise, altogether unwarranted and high-handed. In his D.O. letter, the Amildar explains, the necessity for his having issued an order under section 144 Cr. P. prohibiting the use of the Asmi-Gurbhana for 5 days, "as another procession of Vysiyas is expected to take place tomorrow!" There seems to have been some thing mysterious, which had made the local officers quite ready to adopt measures altogether unwarranted by facts. Making due allowance for their panic stricken state, an order of this kind --

this kind to close the Mosque for no less than 3 days, is inexplicable! It was stated that a license had been issued for another marriage on the 18th, and the Bridegroom party was expected on the 17th. One could have understood the prohibition of the collection of Mohammadans at the time the processions had been licensed and were actually on, but to close the Mosque for 3 days continuously is preposterous, especially, when there was no other Mosque in the Town for the Mohammadans to go for prayers, and they have to offer their prayers no less than 5 times a day at the least!! Even on the 17th there was no necessity to prohibit any such assemblage, as the local officers admitted, that as a rule no processions are arranged for a bridal party arriving in the town. Then why the Amildar went out of his way, to let this marriage party have the special and peculiar privilege of an extraordinary procession, quite uncommon and quite out of the way, on their arrival into the town, for which the Amildar took the still more extraordinary step of closing the Mosque itself, is not easy of explanation! In fact as the hours of prayers are definite and fixed and known to every person, even if the Amildar had special reasons to satisfy this special desire of this party to have a special procession, from the Railway Station to the town, it could have been so arranged as not to clash with those times, which in themselves are of very short duration. But the Amildar set all such considerations at nought, [illegible] the rights and feelings of the Mohammadans. Infact in view of the large number of police officers and men, that had been got together by the District Superintendent of Police, after the riot, and the rioters had all admittedly absconded to avoid the arrests that were being made by the police, it is impossible to justify such an order on the part of the Amildar, closing the Mosque against all comers. The Magistrate's order requiring every Mohammadan who wanted to offer his prayers to hunt out the Amildar, establish his identity, and manage to secure a license to enter the Mosque is palpa-

palpably unreasonable and unworkable and seems to have put a considerable number of persons, who had come from distant places for business to Chintamani, to great inconvenience and hardship. The Amildar has shown himself lacking in a sense of proportion that for reasons best known to himself, he so lightly frittered away with the rights and privileges of persons quite unconnected with the riot.

Yours Sincerely,

To

B. Ramustamian Esq., B.A.B.L.,

Revenue Secretary to

Government of Mysore, Bangalore.

Through

The Inspector General of Police,

in Mysore, Bangalore.

07734 Office of the Inspector-General of Police in Mysore.

No. C-2957/20-en-3 Dated Bangalore, 27th August 1921.

Police 185-20-10

From A.Subramanya Iyer, Esq.,B.A.,
Inspector-General of Police in Mysore.

To B.Ramaswamaiya, Esq.,B.A.,B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department.

Sir,

In continuation of my letter No.R.O.C.2959-20 of yesterday forwarding the report of the Deputy Commissioner, Kolar, together with my opinion about the Chintamani rioting case, I have the honour to forward herewith a copy of the list of persons injured in the case also with copies of reports of the District Superintendent of Police and the Amildar in the matter received today from the Deputy Commissioner, Kolar.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Police.

D. O. letter No. C. 285 dated Camp Chintamani the 17th June 1921 from the District Superintendent of Police, Kolar to the Deputy Commissioner, Kolar District, K o l a r .

In Chintamani Petta there is an Ashurkhana which in recent years the Mohammedans have been trying to convert into a Mosque or Masjid by building to minarets on either side therein and they tried also to establish the concession of others stopping music in front of it. After a deal of correspondence it was finally decided that the minarets could be allowed to stand but that the Mohammedans should not claim the concession of stopping music on the occasion of other processions or of bringing any dead body in the premises of the Ashurkhana. Ever since the Mohammedans have been using it as a Mosque where they pray and processions have been passing the Ashurkhana without stopping music. Last evening at about 7-30 P. M. Vaisya Segu Gopalakrishnaiah went out in marriage procession with his party on foot and the bride and bride-groom in a flower palanquine with the magistrate's license which he had obtained before hand, when the procession was still at a little distance from the Ashurkhana the Jamedar who was in the procession learnt that the Mohammedans were intending to cause a disturbance and obstruct the procession. He went up to the Ashurkhana and finding a large number of Mohammedans about a hundred of them assembled there enquired why they were there, told them that they should not create any disturbance or obstruction as the procession was duly licensed and quite according to custom. When the Jamedar was turning to urge the procession was drawing near and one of the Mohammedans suddenly called out " Din " and began striking the Jamedar with a club on his head. The Jamedar fell down & 3 or 4 police men that rushed out to his help were similarly treated -- by the Mohammedans who had bamboo clubs in their hands. These latter then began striking with clubs the band men the pipers the persons carrying pitch lamps and the Vaisyas in the marriage party and went up to the palanquine bearers. The bride

and bride-groom were safely and hurriedly taken away by their own people into an adjoining house and secured. The rest of the party ran in different directions. The infuriated Mohammedans smashed the palanquine into pieces, smashed with their canes the kitson lamps and began to pelt big and small stones which they had collected in the Ashurkhana. The Jamadar was there at the time at this juncture the Inspector who was in the police station writing and I was inspecting his registers got information and came ran up with his revolver and I followed with my revolver. The Mohammedans were pelting stones very briskly to prevent the police going up to them. The Inspector and others then called out a number of times to desist from pelting stones on panic of being fired, at this the police men were still being struck with stones flung at them. Thereupon the Inspector had the station muzzle loading gun fired three times in the street and himself fired the revolver in the air in that direction. Within a few minutes after this all the Mohammedans cleared away and escaped from behind the Ashurkhana. The Jamadar and the Drill Instructor have been badly hurt and so also 3 or 4 Vaisyas, others also have been hurt though not so badly. In all about 15 have been hurt. On going into the Ashurkhana a number of youngsters were found there and they said they just came in there. One of the boys a lad of about 12 years was lying down with a wound on his belly from which he was slightly bleeding. When asked he said he was looking at the tamash from the Ashurkhana when he was hit by some thing like a light which came up to him. He thought it must be fragments of the kitson lamps which were smashed. He was immediately sent to the hospital for treatment. The other injured persons were also sent to the hospital for treatment and the Sub Assistant Surgeon dressed all those that were badly hurt. None is in any dangerous condition and they are all moving about. There were found heaps of stones collected in the Ashurkhana and a number of clubs. By the side of this building there is a vacant site with old mud walls around and in it were found a number of bamboo clubs lying, but not one

one metam

Mohammedan adult could be seen anywhere. Searches were made -- everywhere in the Town as some of the rioters were known but not one could be found. A picket of Police men was stationed at the spot and order was restored. The marriage party who were in ---- awful funk were encouraged.

This morning some of the rioters were arrested and up till now 12 men have been caught and identified. The case has been -- registered under sections 148 and 336 I. P. Code and investigation is proceeding. I am on the spot guiding the investigation. As one or two more processions have to take place to day and tomorrow I have arranged to get some help from Sidlaghatta and Srinivaspur the adjoining Taluks and from the District Reserve to prevent any further trouble. The ring leader one Less Baba Sait has absconded and some others have disappeared. Endeavours are being made to book as many as could be identified to have taken part in the rioting.

Another procession of the same marriage party passed the same street just now at about 1 p. m. without trouble.

The Taluk Magistrate has issued injunction order under section 144 Cri. P. C. prohibiting any person from stopping in the Ashurkhana for 3 days from today except under his permission as the licensed marriage processions will be over by that time and there is imminent danger of breach of peace should the Mohammedans again assemble therein.

"Copy"

Deputy Commissioner,
Kolar District.

S.G.P.

167
K36

D. O. letter no. Nil. dated the 17th June 31, from the Amildar Chintamani Taluk, Chintamani to the Deputy Commissioner, Kolar Dist.

The Superintendent of police despatched a telegram this morning to you intimating the occurrence of a riot in Chintamani Town on the night of the 16th instant. The facts are that while a marriage party of Vaisyas was going in the Doudapet with the escort of police Jamedar and some Constables, a part of Mohammedans came out of the Ashurkhana and attacked the police first and then the marriage party with clubs and stones. The Vaisya party and the police were quite unprepared for such an attack. The kitmen lights were broken to pieces, the palanquin in which the bride and bridegroom sat was smashed and the Police Jamedar, one Daffedar some --- Constables and some 6 persons of the marriage party received injuries. Fortunately except in the case of one or two who seem to have received severe injuries, all got off with simple hurt. Even in the case of these two there is no danger to their lives. Both myself and Superintendent of Police who was fortunately here on the day, hurried up to the scene but could not reach the Ashurkhana wherefrom stones were being pelted enormously. After one or two shots were fired in the air by the Inspector with a revolver, quiet was restored; but not before all the rioters had escaped from the back portion of the Ashurkhana. Investigation is proceeding and arrests are being made under the personal direction of the ~~Police~~ Superintendent. In the meanwhile I have thought it fit to issue an order under section 144 Cr.P.C. prohibiting the assemblage of persons in the premises of the Ashurkhana except under my permission (which will of course be given to respectable people who want to offer prayers) for 3 days, as another procession of Vaisyas is expected to take place tomorrow. Additional Police help has been kindly given by the Superintendent of Police and I expect there will be no further trouble, because all the respectable portion of the Mohammedan Community do not appear to have any sympathy for the rioters.

Awaiting further instructions.

Copy

Deputy Commissioner
Kolar District

	Nanji.	Chintamani.	Beatings on neck.	
	Narjana.	do	Stick.	
	Anga.	do	do	
	Chennappa.	do	do	
	Dasiga.	do	do	
	Bodiga.	do	do	
	Venkatiga.	do	do	
	Komarla Subbiah.	do	Sticks.	Contused wound 1"X1½" on the left side of forehead above eye brow. About 10 days to heal.
	Balarama Singh.	do	do	
	Banajigar Venkatraya.	do	do	
31.	Natuvara Venkatachaliah.	do	do	
32.	Segu' Balaramiah.	do	do	
33.	Aswathiah.	do	do	
34.	Subbanna.	do	Kicks.Blows.	(Causing pain.)
35.	Mariappa.	do	do	do
36.	Erappa.	do	do	do
37.	Muniappa.	do	do	do
38.	Naranappa.	do	do	do
9.	Sonnappa.	do	do	do
0.	Hutahappa.	do	do	do

186
187

41.	Venkatappa.	do	do	do
42.	Mohamad Usman.	P.C. No. 314.	Stick.	
43.	Vengiah Setti.	Madanapalli.	do	An oblique contused wound 1½"X½" in front of right side of head above forehead. About 2 weeks to heal.
44.	Janiah.	Chintamani.	do	
45.	Subba Rao.	.. ..	.. ..	Contusion ½"X½" on the second joint of the dorsum of left thumb. About 1 week to heal.
46.	JayaMuddappa.	.. ..	.. ..	An oblique contused wound 2"X½" about the middle of left shin. About 10 days to heal.
	Jayaramiah.	.. ..	.. ..	Contusion 3"X2" on the right shoulder blade. About 1 week to heal.
	Khadar. (Son of Kala Husain) - Boy -	Chintamani.	Bullet wound.	a bullet wound on the epigastrium - nature of a very serious nature.

A Rangaswami Iyengar.
Prosg: Supt of Police
Kolar
5-8-21

List of Persons that were hurt in the Chinnamani Rioting Case. (16-6-21)

No.	Name.	Address.	With what hurt.	Description of injury.
1.	K. Heera Singh.	Police Jamadar.	Club.	Contused Wound 1"X ½" above the left side of the forehaad. (2) Contusion 1X¾" on the left temple. About ten days to heal.
2.	Hayath Munavar.	Police Drill Instructor.	Club and bamboo stick.	Contusion 4"X3" on the left calf. (2) Contusion 1½"X1" on the elbow. About 20 days to heal.
3.	Hussein Sab.	P.C. No. 429.	Bamboo Stick.	Contusion 2"X1" on the dorsum of left hand near the wrist. About one week to heal.
4.	Venkatachaliah.	do do 131.	do and stone.	Contusion 1½"X1" at the lower third of right shin. About 4 days to heal.
5.	Sheik Peeran.	do do 455.	Stones.	Contusion 1½"X1", on the dorsum of left foot. About 4 days to heal.
6.	Gundoo Rao.	do do 364.	do	.....
7.	Syed Jalal	do do 30.	Bricks.	.....

8.	Budan Khan.	Police Daffedar.	Stones.	Contusion 2"X1½" on the calf of right leg About one week to heal.
9.	Lakkappa.	P.C. No. 476.	do.	Contused wound 1½"X¼" on the right side of dorsum of right foot. About 1 week to heal.
10.	Munivenkatappa.	Voolavadi Village.	Club.	Simple fracture of the lower third of the right tibia. About 6 weeks to heal.
11.	Sega Gopalakrishniah.	Chintamani.	Bamboo stick.	Contused wound 1"X⅜" above the left eye brow. About 2 weeks to heal.
12.	Begur Sanjivaiah.	Bangalore.	do	Bruise 3"X½" across left shoulder blade (2) Contusion 1"X½" on the left temple above ear. About 10 days to heal.
13.	Hema Anjaneya Setti.	Bangalore.	do	Contusion 3"X2" on the left shoulder blade.(2) Contusion 3"X2" on the back of left forearm about its middle third (3) contusion on the whole back of left hand.(4) circular contusion 1" diametre front of left thigh about its lower half (6) abrasion ¼"X¼" on the spine about the first virtebra. About 2 weeks to heal.
14.	Namboor Subbiah.	Bangalore.	do	vertical contusion 2"X1" on the outer side of middle of rightarm. bout a week to heal.
15.	Lakshmiah.	Chintamani.	do	ontusion 1½"X¾" on the right shoulder lade. About 10 days to heal.
16.	Mallappa.	do	do	
17.	Venkatraya.	do	do	
18.	Hanumanthiah.	Ronour village.	do	
19.	Venkatramanappa.	do	do	
20.	Venkataramana.	do	do	

OFFICE OF THE PRIVATE SECRETARY
264
170
139

To

H. H. Sir Sri Krishnarajendra Wodeyar Bahadur,
G.C.S.I., G.C.B.E.
Maharaja of Mysore.

May it please Your Highness,

We the Vaisya residents of Chintamani Town, Kolar District, beg to approach Your Highness with the following facts relating to a grievance, the redress of which is of paramount importance to our continued peaceful and safe residence in this place. We are among the most loyal and law-abiding subjects enjoying the fruits of Your Highness' beneficent rule.

2. We are much perturbed in our minds to read in the papers a copy of the Memorial submitted to Your Highness by the Muhammadan subjects of this State.

3. As the petition contains serious misrepresentations, we have felt it our bounden duty to approach Your Highness with facts supported by Government Orders issued from time to time.

4. There are fifty houses of our community in one street in Chintamani where there is an Asharkhana (not a Masjid) of Muhammadans. Some of these houses adjoin the Asharkhana and others are on the opposite side and there is not a single house of Muhammadans in that street. In June last, there was a marriage in the house of one Gopal Krishna Setti. He obtained a license for taking the marriage couple in procession through the Street with music, etc., as usual. On the 16th when the procession came near the Asharkhana, it was stopped and the Muhammadans who concealed themselves in the Asharkhana came out into the Street with sticks, etc., and assaulted the marriage party and a few Police officials who accompanied the party to preserve peace and order. Thereupon the Police, after necessary investigation, charge-sheeted some of the Muhammadans. The case is pending disposal before the Sub-Divisional Officer of Chikballapur. The Muhammadans of the place, backed up by some of the influential men of their community, who are residents of Bangalore, attempted for a transfer of the case from that Court to any other Court in Bangalore but the Chief Court declined to comply with their request, as it found no grounds for the transfer. Having failed in their attempt, they moved the District Magistrate Mr. Zahiruddin Mecci to transfer the case to any other Magistrate in the District. He has complied with their request.

5. The alleged cause of this assault is that the marriage party did not stop the music in front of the Asharkhana. The following are the facts regarding this Asharkhana. So early as 1898, the Muhammadan residents of Chintamani, namely Khaji Syed Kasim and others, presented a petition to the District Magistrate on 15th December 1898, stating that they had a Masjid at Chintamani where they offered prayers, that the Hindus did not stop music in front of the Masjid as per Standing Orders issued by the late Chief Commissioner in 1871 and that Order should be enforced. Mr. Sparkes, who was then the District Magistrate, passed the following order after necessary inquiry in 1899 :—

> "By the Muhammadans' own showing, the building in question is an Asharkhana. On referring to the Deputy Commissioner's Circular No. 9, dated 10th December 1871 based on Chief Commissioner's letter No. 363-122 of 30th November 1871, it is clear that the playing of music in front of Asharkhana is not prohibited. For these reasons, I reject the application and refuse to order the playing of music in front of this building to be stopped."

6. In the year 1902, the then First Class Magistrate Mr. Krishna Rao passed prohibitory Orders under Section 144, Criminal Procedure Code, restraining the Muhammadan community from bringing their dead bodies to the Asharkhana and thus causing annoyance to the residents of the Hindu community in the neighbourhood.

7. When Mr. F. E. C. Carr took charge of the Kolar District, the Muhammadans submitted a revision petition in 1902, whereupon he inspected the building, and, after necessary inquiry, observed that the Building B (*Vide* annexed plan) until comparatively lately could not have been used as a Masjid and that the entrance H in the main road was in a most dilapidated and wretched state and could not certainly be recognised as the main entrance H into the compound of the Building B. He therefore suggested to the Muhammadans that the entrance should be closed up as being very inconveniently situated between various houses and that they should open an entrance at K in the Masjid Road leading to the recognised Masjid, the Vaisyas and other Hindus having agreed to stop music when their processions passed in that Road. The Muhammadans having refused to accept these terms and having failed to show either that the building was a recognised Masjid or that the entrance H was a *mamul* entrance to it, he declined to rescind the orders of Mr. Sparkes passed on 16—2—1899 (*Vide* Order dated 8—4—1902.)

8. The Muhammadans then appealed to Government against this Order. But the Government saw no adequate grounds for interfering with the Deputy Commissioner's Orders (*Vide* Order No. 8445-692 dated 17—11—1902.)

9. Again on 17—5—1910, the Amildar Magistrate of Chintamani passed orders that the bringing of dead bodies from all parts of the Town to the Asharkhana was causing nuisance to the public in the street and considering it a public nuisance, directed under Sec. 143 of the Criminal Procedure Code that the Muhammadans should stop bringing dead bodies to the Asharkhana in Hospet. This order was duly confirmed by the District Magistrate. When the Khaji was cited as a witness by the Magistrate, he stated that the only use for Asharkhana was the placing of the Thaboot during the Muharram for the reading of the history of Hussain for ten days during that festival.

10. In 1915, the Amildar of Chintamani granted a license to the Muhammadans to erect a verandah adjoining the Asharkhana but they unauthorizedly built two minarets, to which objection was taken by the Vaisyas. Thereupon the Deputy Commissioner reported to the Government (with the concurrence of the Vaisyas) that the minarets might be allowed to remain, the Muhammadans having agreed not to claim the right to stoppage of music or to bring dead bodies into the Asharkhana.

11. On this report the Government passed orders to the effect that the minarets might be allowed to remain, as it was stated that no harm was likely to result, if the building was finished as it was but before allowing it, the chief parties concerned were ordered to execute a *muchalika* that they would not claim any new privileges on account of the Asharkhana.

12. The above narrative contains irrebuttable facts based on the orders of District Officers and of Government.

13. Now turning to the Memorial presented by the Muhammadan community, copies of which they seem to have distributed broadcast even in villages, besides publishing it in all the important newspapers, we feel it incumbent on us to bring respectfully to Your Highness' notice that it contains serious misrepresentations so far as Chintamani affairs are concerned. We deeply regret that the leaders of the whole Muhammadan community residing in the State should have thought fit to approach the fountain head of justice and mercy with incorrect, false and defamatory statements which cannot stand the test of a moment's examination. It is said in the Memorial that the Vaisyas were set up by the Brahman Officers and Brahman leaders and they "engineered a plot and enacted a tragedy thereon the 16th June 1921 during the absence of the Deputy Commissioner at Mysore" (*Vide* para VIII of the Memorial). This is all false. Why should they have done so? Do not the facts narrated above

clearly go to prove beyond all doubt that the relations between the Muhammadans and Vaisyas of the place have been strained for the past 20 years for reasons already stated? The Memorial goes on to say that "several years ago there was some trouble about the Masjid and that difference had been adjusted then and there among themselves." In the face of the stubborn facts to the contrary, what should be said of these serious mis-statements? It is for Your Highness' Government to consider. It is further alleged that the Brahman Police Superintendent came there three days earlier and with the help of the Brahman Amildar collected a sum of Rs. 3,000 for the purpose. We leave it to Your Highness to decide if all this can be true. The District Magistrate himself admitted that the Superintendent was there as per his tour programme which had been sent to the Inspector-General of Police previously through him. It is to our good fortune that he happened to be there, otherwise the consequences would have been far more serious. The Memorial further states that the *sanctum sanctorium* of the Muhammadans was defiled and the religious feelings were deeply and grievously wounded. Suppose the Muhammadans run up a building in any street and say it is their most sacred place and that music should be stopped by the Hindus in front of the same. Can this be allowed? If the Government recognised this building as a regular Masjid, then alone would the Muhammadans acquire a right to claim the stoppage of music by the Hindus and not otherwise as per Standing Orders. And, obviously, it would not be "just for Government" to recognise any building as a Mosque unless it had all the requisites that usually go to make a Mosque and unless they saw to it that such recognition did not affect the rights existent of other communities living near it or affect their convenience.

14. In para XIV of the Memorial, it is said that I.G. of Police went to the place long after the occasion and made a show of investigation. This is also a misleading statement because within 5 or 6 days of the occurrence, the Inspector-General of Police in company with the Deputy Commissioner went and instituted the necessary enquiries. Perhaps, as the Deputy Commissioner is one of their community, his name is purposely omitted and because the adverse reflections made against Hindu Inspector-General of Police would apply to him equally.

15. We, your humble Memorialists, are merchants, and, as such, we have been in friendly terms with all communities and especially with the Brahman community who are also our religious teachers. The Government Order on the Miller Committee Report, making a salutary and effective provision for the uplift and aspirations of the backward classes who have a legitimate claim to enter the public service and help in the general administration of the State, has not changed nor can it change our attitude towards them in the least. We are not panting for Government appointments. We educate our children not because we wish that all of them should enter Government service but because we want them to prosper in the commercial line which in these days of competition they cannot do, unless they receive a sound education. By saying so, we do not deprecate some of our educated boys taking up higher appointments if they are qualified to hold the same. We are grateful to Your Highness and Your Highness' Government for having favoured our community with a few of such appointments.

16. In conclusion we respectfully pray that Your Highness' Government will put an end to this recurring dispute once for all by ordering the main entrance in Hospet to be closed and opening one in the Masjid Road as suggested by Mr. Carr in 1902.

We beg to remain,

Your Highness' Most Loyal and Devoted Subjects,

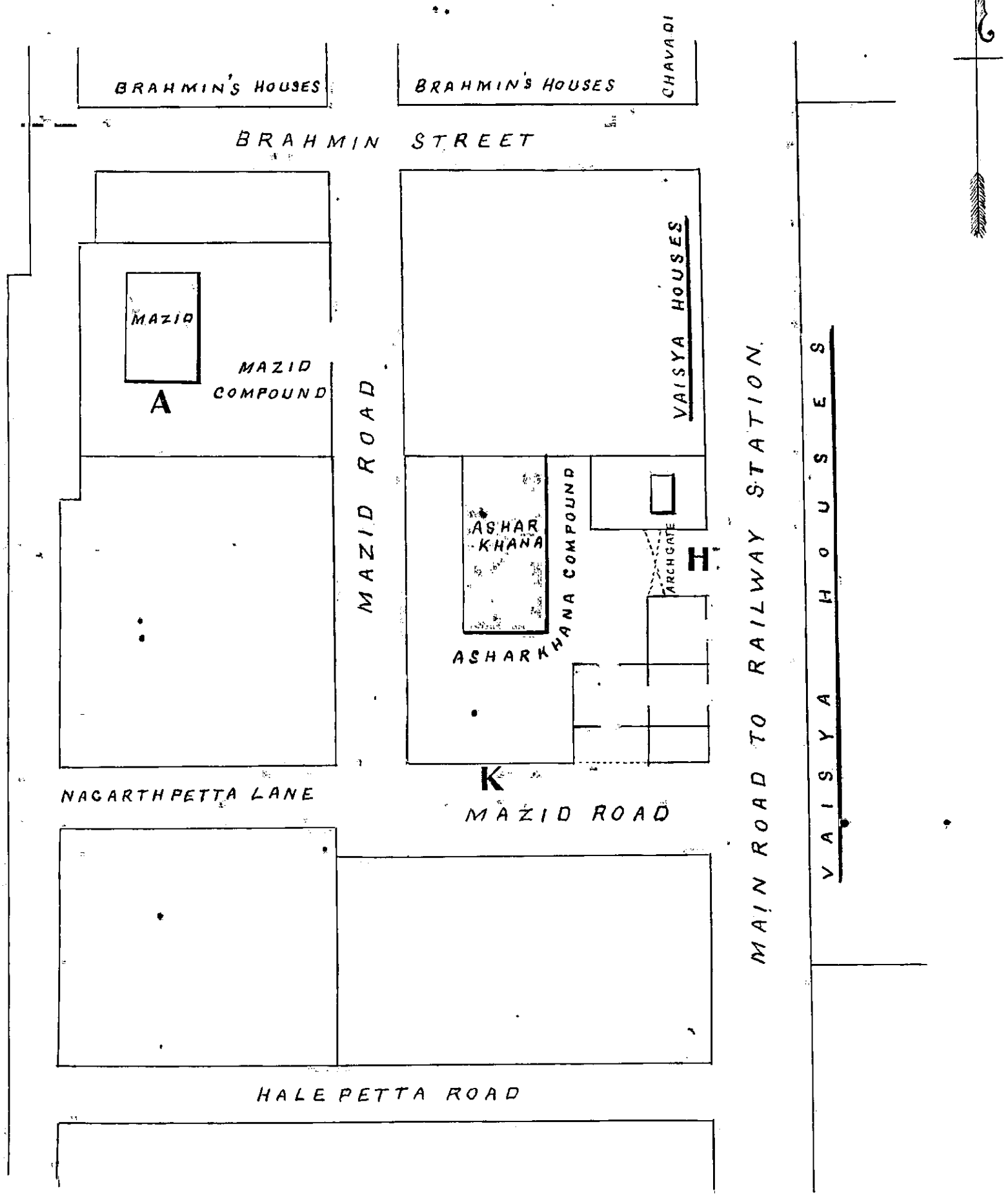
24th Sept. 1921.

Vaisya Mandali.

THE BANGALORE PRESS, MYSORE ROAD, BANGALORE CITY.

P.T.O

HR 173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NAGARTHPETTA LANE
MAZID ROAD
HALE PETTA ROAD

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

POSTS & TELEGRAPHS.

NOTICE.
This form must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs. As.

OFFICE STAMP 30 OC 21 T.O.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

N.B.—The name of the Sender, if telegraphed, is written after the text.

N Chand & Sons—4653—12-12-19—1,79,000 Blks. (Edn. V).

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Pol 685-20-12

176

Office of the District Magistrate, Kolar District.

Dated Kolar, the 19th May 1922.

From

Md. Zahiruddin Mecci, Esq.,B.A.,
Dèptrict Magistrate, Kolar District.

22 MAY 1922

E. HIRIANNAIYA, ESQUIRE, M.A., B.L.,
Secretary to Government of Mysore,
General Department, Bangalore.

Sir,

With reference to your letter No:J.4838/Pol. dated 20th April 1922, calling for a report regarding the disposal of the case relating to the recent disturbances in Chintamani, I have the honor to state that 26 out of 33 accused stand charged for offences under Sections 147, 326/149 I.P.C. and the case is posted for defence to the 1st June 1922. The remaining 7 persons were discharged by the Magistrate under Sec.253 Cr.P.C.

I have the honor to be,
S i r,
Your most obedient servant,

R Puttaiah

Treasury Assistant Commissioner,
For Dèptrict Magistrate,
Kolar District.
(absent from station.).

V.V.R.

63816

19

From

District Magistrate,
The ~~Deputy Commissioner~~,
Kolar District.

To

The Secretary to Government of Mysore,
General Department, Bangalore.

Dated the 19th May 1922.

Despatched —do—

Received 22 MAY 1922

General No. R ye 136
No. 4-2

Enclosure No

Submitting adinterim report re: recen disturbances in Chintamani.

Rjc 736/21-22 Encl 26/6

177 24765

Office of the District Magistrate, Kolar District.

Dated Kolar, the 26th J u n e 1922.

Dear Sir,

Reminder I am in receipt of your D.O.No:J.5747/Pol. dated 21-6-1922, requesting to expedite my reply to your office No: J.4838 dated 20th April 1922 re: the disposal of the Chintamani rioting case and have to state that the reference has been replied in this office No:J.C.736/21-22 dated 19th May 1922, a copy of which is herein enclosed for ready reference. I have also to invite your attention to my letter No:J.C.736/21-22 dated 20-6-1922, in the matter of not disturbing Mr. Chennaraj Urs from Chintamani till the case is completed. He may be kept there as a Special Magistrate till the case is finally disposed of.

Yours sincerely,

To

C. Abdul Ghani, Esq., B.A., B.L.,

Assistant Secretary to Government of Mysore,

General Department, B a n g a l o r e.

Sent for perusal. The proceedings of the enquiry on 1.6.22 have not been reported may therefore be called for. The report on the retention of Mr Chennaraj Urs is pending in the ESB section

174
+47

Letter No:R.J.C.736/21-22 dated 19-5-1922 from the District Magistrate, Kolar District, to the Secretary to Government of Mysore, Bangalore.

==========

With reference to your letter No:J.4838/Pol. dated 20-4-1922 calling for a report regarding the disposal of the case relating to the recent disturbances in Chintamani, I have the honor to state that 26 out of 33 accused stand charged for offences under Sections 147 -326/149 I.P.C. and the case is posted for defence to the 1st June 1922. The remaining 7 persons were discharged by the Magistrate under Section 253 Cr.P.Code.

=======

"Copy"

R Puttaiah

District Magistrate,
Kolar District.

V.V.R.

G. T. S. VI—G/32]

179

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue 5/7/22

Signed by M Cook.

Section Cl

File No. 185-20

Serial No 13.

No. P

To

The Dy Police Inspr

Sir,

With reference to correspondence ending with your letter no RJC 736/21-22 dt 26.6.22 re the progress of the Chinnatamani riot case, I am directed to request that the result of the trial before the Special Magistrate (Mr. M. Chennaraj Urs) may be reported to Govt in due course, along with a copy of the judgment in the case.

I have

over.

for Dy Secy

Pol 185-20-13. 180

16390

1190 469

P.

Office of the
Inspector General of Police in Mysore

No.C 2959/20.

Dated, Bangalore, the 26th August 1922.

29

30 AUG 1922

From

A.Subrahmanya Iyer, Esqr., B.A.,
Inspector General of Police in Mysore.

To

B. Venkoba Rao, Esqr., B.A.,
General Secretary to the
Government of Mysore.

Sir,

With reference to your letter No.P.76/Pol 185-20-13 dated the 5th July 1922, requesting that the result of the trial of the Chintamani rioting case may be reported, I have the honor to enclose herein a copy of the Kolar District Police Superintendent's letter (D.O.) dated 23rd instant from which it may be seen that out of the 26 accused in the case 23 were convicted under section 147 I.P.C. and sentenced t six months rigorous imprisonment. They were also

convicted under sections 326 and 149 I.P.C. and sentenced to one weeks rigorous imprisonment and ten rupees fine, the sentences to run consecutively. Further they were bound ove under Section 106 Criminal Procedure Code for two years in a sum of Rs100/- each and one surity for the same amount to keep the peace.

On receipt of a copy of judgment in the case, the same will be submitted.

I have the honor to be

Sir,

Your most obedient servant,

Asst. to the Inspector General of Polic

For Inspector General of Police
(Absent from Head Quarters)

D.O.Letter dated 23rd August 1922 from the District Superintendent of Police Kolar District to the Inspector General Of Police in Mysore.

On 21st August 1922, judgment in the Chintamani Rioting case was not delivered. Yesterday it was delivered at 4.30 P.M. Of the 26 accused 23 were convicted and three were acquitted. Under section 147 I.P.C. all the 23 were sentenced to six months R.I. and under sections 326 & 149 I.P.C. one weeks R.I. and ten rupees fine and they were bound over under 106 Criminal Procedure Code for two years for 100 rupees and one security for the same amount to keep the peace. Everything is quite.

The sentences to run consecutively.

C O P Y

For Inspector General of Police.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to 1190

General and Revenue Secretariat
(Police)
, *the* 191

Date of issue 30.9.22

Signed by M. C. Abdul Cani

Section Police
File No. 185-20
Serial No.
No. C. P. 15

To The D. G. of Police in Mysore

Sir,

With reference to the correspondence ending with your letter No. C29/d/26th/29th August 1922 reporting the result of the trial in the Shimoga riot case, I am directed to request you to be so good as to obtain

over.

1854 at a very early date.
I forward herewith a copy of the
judgment in the suit
case.

I have &c

The Govt. Secy.

List of enclosures.

Copied by

Examined by

18735

185 1758 P 154

Police 185-20-15

OFFICE OF THE INSPECTOR GENERAL OF POLICE
IN MYSORE.

No. C.2959/20 *Dated Bangalore,* 27th September 192 2

FROM A. Subrahmanya Iyer, Esqr., B.A.,
Inspector General of Police in Mysore.

To, REV. B. Venkoba Rao, Esqr., B.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore.
General Department.

30 SEP 1922

SIR,

In continuation of this office No. 2959/20 dated 29th August 1922 reporting the result in the Chintamani Rioting C Case, I have the honor to forward herewith for the information of Government a copy of the Judgment in the case received from the District Superintendent of Police, Kolar with his letter No. 329 dated 18th September 1922.

I have the honor to be
Sir,
Your most obedient servant,

Asst. to the Inspector General of Police
For Inspector General of Police
(Absent from Head Quarters).

Sent for perusal.
4/10

Please put up with the file in which the letter was received. The judgment should be called for

FROM

The Inspector General of Police
in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysor

Dated
Despatched
No.
Enclosure

SUBJECT.

Office of the Superintendent of Police,
Kolar District,
No. 329 Dated, Kolar, the 16th September 1922.

From

The Superintendent of Police,
Kolar District.

To

The Inspector General of Police,
in Mysore, B A N G A L O R E.

Eno:-

Sir,

With reference to your office No.C.2959/20 dated 25/29th August 1922, calling for a copy of Judgment in the Chintamani Rioting case, I have the honor to submit herewith an authenticated copy of the same.

I have the honor to be,
Sir,
Your most obedient servant,

Superintendent of Police,
Kolar District.

D/S. 4357

167 46

In the Court of the 1st Class Magistrate, Chintamani.

Dated, the 22nd Day of August 1922.

Present:- M.Chennaraj Urs, Esquire, B.A., L.L.B.,

First Class Magistrate.

C.C.No. 53 of 21-22.

Complainant. Government (Police of Chintamani Taluk.

VS.

Accused. Rahiman Sab and others.

1. The following witnesses were examined on behalf of the prosecution.-

1. Mr. K.Dummiah, Police Inspector.
2. Heerasingh , Jamadar.
3. Venkatachaliah.
4. Segu Gopalakrishniah.
5. Balaramiah.
6. Hema Anjaneya Setty.
7. Nambur Subbiah Setty.
8. Sreepuram Sooriah setty.
9. Nambur Venganna setty.
10. Komarla Venkataramiah setty.
11. Karpakala Sreerangiah.
12. Komarla Subbiah.
13. Anur Gurappa.
14. Tellapalli Janiah.
15. Aswathiah.
16. Lakshminaraniah.
17. Seetharamiah.
18. Balaram Singh.
19. Venkatarayappa.
20. Venkatachalamiah.
21. Annaiah.
22. Munisami.
23. Mr. Mahizan M.O.
24. Mr. B.Venkatakrishnappa.
25. Mr. Sreenivasa Sarma.
26. Hanumanthu.
27. Narasa Sani.
28. Sankara Sastry.
29. Hayath Mannoran.
30. Mohamad Usman.
31. Husen Sab.
32. Sheik Peeran.
33. Subbanna.
34. Neelivenkatappa.
35. Hutchappa.
36. Naranappa.
37. Muniappa.
38. Konapalli Venkatappa.
39. Mallappa.
40. Mariappa.
41. Sonnappa.

42

42. Nanjappa.
43. Narayani.
44. Anjiga.
45. Dasiga.
46. Sanjeeva Setty.
47. Bodiga.
48. Venkatiga.
49. Chennappa.
50. Munivenkatappa.
51. Nanjundiah.
52. Sree Rangachar.
53. Muni Subbiah.
54. Laskhmiah.
55. Errappa.

2. The following Articles were filed on behalf of the Prose cution.-

1. [illegible]
2. Broken palanquin.
3. [illegible]
4. One bundle of Bamboo Sticks (containing 17 lattas
5. Small stones in two baskets full.
6. Broken pieces of washington lights (six).
6 (a). Stand to carry light (Iron frame).
7. Shirt which the boy (khadir) was wearing.
8. Photo of Chintamani Masjid.

3. The following exhibits were filed on behalf of the pro- secution.-

Exhibit.P1.	Sketch.	
" P2.	License.	
P3.	Medical Certificate.of	Jamiah d6-7-21
P4.	-Do-	of Vengama Setty dated 5-7-21.
P5.	-Do-	Anjaneya setty. -Do-
P6.	-Do-	[illegible] -Do-
P7.	-Do-	Komarla Subbiah.-Do-
P8.	-Do-	Lakshmiah. -Do-
P9.	-Do-	Sanjeeviah -Do-
P10.	-Do-	Heera Singh. -Do-
P11.	-Do-	Sheik Peeran. -Do-
P12.	-Do-	Heerasingh. -Do-
P13.	-Do-	Venkatachaliah. -Do-
P14.	-Do-	Budan Khan. -Do-
P15.	-Do-	Hayat Manwar . -Do-
P16.	-Do-	Munivenkata D. 18-6-21.

Exhibit P17. Certified copy of the order of decision dated 16-2-1899 by Mr. H.H. Sparks, District Magistrate, allowing the playing of Music in front of the Ashur- khana.

Exhibit P18. Certified copy of the order of decision dated 8-4-02 by Mr. F.E.C.Carr, District Magistrate allowing the playingof Music in front of the Ashur- khana.

Exhibit P19. Certified copy of endorsement No. 8445/J.192 dated 17-11-02 granted by the Dewan of Mysore to the Musalman inhabitants of Chintamani, that he cannot interfere with the orders passed by the District Magistrate.

Exhibit20

Exhibit. 20. Original Mutchalika dated 31-8-14 executed by Vysyas to the Vice President of Chintamani Town.

" 21. -Do- By Mussalmans.

" 22. Copy of Government Order dated 18-5-15 deciding that the minarets on the Ashurkhana might be allowed to stand and the Mohamadans should not claim any fresh privilege.

" 23. is the receipt dated 18-7-21, given to Gopalakrishniah by Rukmoji Rao.

" 24. is the entry under date 21-6-21 in the Lock up minute book for 21-22.

" P25. is the leave application of Khadir Pacha.

" P26. The Inquest report on Papamma's body on 17-6-21 at Sivanapur village.

" P27. The transactions made by the 1st accused Rahim in Chintamani Co-operative Society on 23-5-21, 31-5-21, 1-6-21, 3-6-21, 4-6-21, 5-6-21, 6-6-21, 9-6-21, 13-6-21, 15-6-21, 16-6-21, 24-5-21, 25-5-21, and 28-5-21.

" P28. The transaction of 3asxmxdx in the cash book made by 1st accused Rahim in the Chintamani Co-operative Society.

4. The following witnesses were examined on behalf of the Defence:-

1. Muthavalli Dastagir Sabi.
2. Abdul Sathar.
3. Addagal Subbiah.
4. Rukmoji Rao.
5. Athar Hyder Sab.
6. Madarkhan.
7. Abdul Shookur.
8. Ratnu Nabi Sabi.
9. Abdul Razack.
10. Kyvara Syed Hussein Sab.
11. School Naranappa.
12. Dodda Imamkhan.
13. Abdul Khadir.
14. Ibrahim.
15. Ibrahim beg.
16. Chick Chowdappa.
17. Subbi Reddi.
18. Mr. S.Ramachandra Rao.
19. Sheik Adam.
20. Narayanasami.
21. Khaji Abdul Gaffoor Sabi.
22. Syed Dastagir Sabi.
23. Jamadar Ghouse khan.
24. Mr. Gulam Mohidin Sabi.
25. Kunta Byra Reddi.
26. Ummer Sabi.
27. Machine Phakruddin.
28. Flower seller Phakruddin.
29. Jaragapalli Venkatarayappa.
30. M.Sheik Ahamad Sab.
31. Meeran Sab.
32. Sheik Mohidin Sab.
33. Sheik Imam Sabi.
34. Papanna.
35. Mohamad Ummar Sab.
36. " Ghouse sabi.
37. Ghouse sab.
38. Mohamad Khasim Sab.
39. Pakir Sab.
40. Mr. M.O.Mohazir.
41. Abdul Ghani.
42. Ramji.
43. Ahamad Sabi.
44. Venkataramanna.
45. Syed Hasanuddin.
46. Verrapa Reddi.
47. Byra Reddi.
48. Chota Sabi.
49. Mr. Y.N. Iyya.
50. Munisami.
51. Pachamia.
52. Imam Sabi.
53. Venkatarayappa.
54. Gaffar Sabi.
55. Syed Ahamad Sabi.
56. Mr. A. Subrahmanya Iyer, I.G.of Police.
57. Murthyujakhan.
58. Syed Mohamad.
59. Rahiman Pasha Sab.

5. The following Exhibits were filed on behalf of the defence.

Exhibit. D1. Letter No. 325 dated 17-6-21 of the Sub-Assistant Surgeon, Chintamani to the Police Inspector, Chintamani.

D2. Order of the Amildar Magistrate dated 17-6-21 directing that Mohamadans should not assemble on 17 to 19th without permission.

/D3. Order of the Amildar ~~Magistrate~~ Magistrate Chintamani daed 18-6-21 permitting 10 persons to assemble and offer prayers.

D4. Statement of Bodiga (P.W.47) dated 17-6-21. made before the Police.

D5. Portion of statement of Venkatiga (P.W.48) dated 17-6-21 as marked there-in made before the Police.

D6. Statement of Venkatarayappa (P.W.19) dated 18-6-21 made before the Police.

D7. -Do- Balaram Singh (P.W.18) dated 17-6-21 made before the Police.

D8. -Do- Aswathiah dated 21-6-21 (P.W.15)-Do-

D9. -Do- Anur Gurappa (P.W.13) dated 20-6-21 -Do-

D10. -Do- Venkatachalamaiha (P.W.20) datdd 18-6-21 -Do-

D11. The paper showing the quantity of flowers to be supplied by D.W.5 (Athar Hyder Sabi)

/D12. Entry in Sheik Adam's account book under date 16-6-21 re payment of Rs 373-8-0 for bullocks.

D13. -Do- -Do- under date 17-6-21 re payment of Rs 5/- towards jutka fare.

D14. is the certificate granted by Mr. Y.N.Iyyan to 28th accused.

D15. is the petition presented to I.G. of Police by Imam khan and others.

D16. is the Petition presented to I.G.of Police by Budan Sab and others.

6. The following witnesses were examined on behalf of the Court.-

1. Lakshminarasappa. 2. Rama Reddi.

7. The following exhibit was filed on behalf of the Court.

Exhibit.C. 1. The registered Mortgage deed dated 3-4-22 executed by Addagal Subbiah to Rama Reddy.

191

In the Court of the 1st Class Magistrate, Chintamani.

Dated, the 22nd day of August 1922.

Present:- M.Chennaraj Urs, Esquire, B.A.,L.L.B.,

First Class Magistrate, Chintamani.

C.C.No. 53 of 1921-22.

Complainant. Government (Police of Chinta-Mani Taluk.)

Accused. (1) Rahiman Sabi, (2) Abdul Khadir,(3) Mohamad Jaffar,(4) Fhakruddin (Discharged on 9th May 1922) (5) Syed Ibrahim (6) Syed Mohidin (Discharged on 9-5-22) (7) Syed Khadir (8) Syed Abdul Gaffar (9) Daddo sab (10) Abdul Khadir (Discharged on 9-5-22) 11,Abdul Sattar (12) Mallang Sab. (13) Davood Sab (14) Syed Mohamad (15) Mohamad Khalander (16) Mohamad Ghouse (17) Hyder Sabi (18) Mallang Sab (19) Khadir Sab (Discharged on 9-5-22) (20) Fakrudin (21) Hussain Sab (22) Abdul Satar., (23) Khadir Pacha (24)Sabjan (Discharged on 9-5-22)(25) Abdul Rajak (26) Abdul Aziz. (27) Abdul Khadir (28) Syed Ahamad (29) Kasai Hassan (30) Syed Khalandar (31) Mohamad Fakruddin (32) Rasool (Discharged on 9-5-22.) (33) Hayat Khan (Discharged on 9th May 1922).

J U D G M E N T .

1. The facts of the case as alleged by the Prosecution are as follows:-

One Segu Gopalakrishnia of Chintamani town married his daughter on 15-6-21 at Chintamani to Nanjunda Chetty son of Hema Anjeneya Setty of Bangalore. He obtained a license from the Taluk Magistrate to take the bride and the bride-groom in procession on 16-6-21. At about 7 P.M. the procession started from Hariharaswami Temple with Police escort headed by Jamadar Heerasingh. When it had gone some distance in the ~~Hospital~~ Hospet Road the Jamadar got information that Mussalmans had assembled in the

masjid

Masjid and had arranged to stop the procession. On learning it he went to the Masjid with a few constables and saw that more than 100 mohamadans had assembled there. He questioned them about their presence there. But did not get suitable replies from them. So he thought that they had assembled there for creating some disturbance. He therefore asked them to leave the Masjid. By that time the procession came with music as far as Hindustan School which is only 5 or 6 yards from the Masjid. At that time the Jamadar came out of the Masjid and was followed by one Ales Baba Sait who immediately cried out 'Dhin'. Upon this signal the other mohamadans who were inside the compound of the Masjid rushed out to the Road. They and the Sait beat the Police Officers and the persons who were accompanying the procession with sticks and also pelted stones at them. Palanquin was beaten and the lights were broken. The persons who were going in the procession ran away and hid themselves in houses. Information reached the Inspector and the Police Superintendent who were in the Police Station. The former immediately went to the spot with a few constables and gun and a revolver. He saw the Jamadar lying semi-conscious with a wound in his head . Many persons were wailing and stones were coming from the direction of the Masjid . He addressed the Mohamadan crowd and told it that he would be obliged to open fire in case the trouble did not cease. In spite of it the Mohomadans continued to be rowdy. Thereupon he and a constable fired with the revolver and the gun respectively . The crowd retreted towards the masjid but again after 10 minutes came out and began to pelt stones and cry "Dhin" Again a warning was given by the Inspector. As the same proved futile fire was again open with the result that the crowd

crowd ran away and a Mohamadan boy(Khadir) was wounded by a gun shot. By that time the Police Superintendent (Mr. V.Gopala Rao) and the Amildar (Mr. B.Venkatakrishnappa) came to the Masjid. A mahazar was drawn up and the Inspector (Mr. Dhummiah) took up the investigation of the case. After completing the same he placed a charge sheet on 28-6-21 before the 1st Class Magistrate, Chickballapur Sub Division, who was temporarily in charge of Chintamani Sub Division. The charge sheet was against 34 persons and for Sections 143, 148 etc. The case was transferred from that Court to the Court of the 1st Class Magistrate, Kolar Sub Division, by the District Magistrate, Again it was transferred to this Court by the Chief Court on 3-10-21 and the records were received on 31-10-21.

As one of the accused (Ales Baba Sait) had absconded the case was proceeded with against the remaining 33 persons.

On 9-5-22 the 4th, 6th, 10th, 19th, 32nd and 33rd accused were discharged as there was no primafacie case against them. There was no particular identification as regards the above mentioned persons excepting the 32nd accused and the general identification by Pws.2,4,5 and others was neither satisfactory nor trustworthy. Against the 32nd accused only one witness (P.W. 19) has deposed that he beat him with a stick. But in the statement before the Inspector he has stated that one Buddu Sab beat him. He has not then made any allegation against 32nd accused. In other respects also the evidence of P.W.19 is inconsistent He is a servant under P.W.4 who is very much interested in this case as the disturbance took place when his daughter was being taken in procession. The remaining accused were charged for 147 and 326 I.P.C. and read with section 149 I.P.C.

2. Before proceeding to discuss the evidence in the case it is very necessary to know the history of the Masjid which is the cause for the present disturbance. So far back as 1899 the then District Magistrate (Mr. H.H. Sparks) declared that the building in question was an Ashurkhana and not a masjid and ordered that therefore he could not prohibit the playing of music in front of it (Ex. P 17). Again the mohamadans residents of Chintamani petitioned the District Magistrate (Mr. F.E.C.Carr) in the year 1902. He came to the conclusion that though the building was being used as a masjid it had never been officially recognised as such and consequently declined to review or rescind the order of Mr. Sparks (Ex. P 18). Against that order the mussalmans appealed to the Government. There also they did not meet with success and were granted an endorsement stating that there were no adequate grounds for interference (Ex. P 19). In the year 1914, on the strength of a license granted by the Amildar to certain local Mohamadans to erect a verandah adjoining this building two minerates were unauthorisedly built. The vaisyas of the place objected to the construction of the minarets. After some time both the parties came to an amicable settlement. According to it the vaisyas withdrew their objection to the minerates while the Mohamadans agreed not to claim the right to stoppage of music until they brought a Government order giving that right to them. In terms of the compromise the leaders of both the parties gave their statements before the Amildar on 31-8-1914 (Ex. P 20 and P21). This was reported to ----- Government and it was ordered by them on 18-5-1915 that the minerates may, under the circumstances be allowed to remain but before allowing it the chief parties concerned should be made to execute a mutchalika that they will not

claim

claim any new privileges (Ex. P 22). The Amildar (P.W.24) states that though several notices were issued to the mohamadans they have not yet executed the muthhalikas. He also says that the Government Order of 18-5-1915 is still in force.

It is thus seen that the building in question has never been officially recognised as a masjid though it is used as such. The Government and two District Magistrates have refused to comply with the request of the Mohamadans to prohibit playing of music in front of the building. The leaders of the Mohamadans have agreed in the year 1914, not to claim the right to stoppage of music in front of the building until they brought a Government order. In view of these facts there can be no two opinion that the Mohamadans have no right at present to claim the stoppage of music. A feeble effort has been made by the defence side by means of oral evidence to show that music will be stopped in front of the building. It is interested, unsatisfactory, and cannot be true in the face of orders passed to the contrary by competent authorities. On the other hand the prosecution has adduced satisfactory evidence to prove that processions go with music in front of the building in question called the masjid by the Mahamadans and the Ashurkhana by the Vaisyas. So the conclusion I arrive at is that vaisyas and other Hindus have a right to take processions with music in front of the building and that they have also been actually doing so.

3. From what has been said above it is quite apparent that there has been a long standing dispute between the Mohamadans and Vaisyas of this place. It is also true that the Masjid (according to the mohomadans) has been the chief cause for this misunderstanding. But it is not known what

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the immediate cause for the present disturbance was. There is not much reliable evidence to say that the parties were at logger heads about this question just before this occurrence. There is the evidence of Komarla Venkataramiah (P.W.10) who says that the 8 or 10 days before the occurence the Khaji asked him to amicably settle the dispute and said that he would hnt be repponsible if any untoward event happendd in case of the non settlement of the same. This witness is one of the leaders of the Vaisya Community and as such I am inclined to treat his evidence as interested. But the Evidence of Mr. Srinivasa Sarma (P.W.25) who is a Mukthiar at Chintamani cannot be viewed in the same light . He says that while he was at Kothanur a village 8 miles from Chintamani on 13-6-21 the 30th accused and another mohamadan came and told him that the vaisyas with the assistance of Government Officers had arranged to take marriage procession with music before the Masjid and that the Mohamadans had determined not to allow it at any cost and further asked him what his advice in the matter was. He says that on the next day two other Mohamadans came and sought his advice on the same point. That the Mohamadans had confiddnce in him is apparent from the fact that the 30th Accused and some other Mohamadans have entrusted their cases to him even after the occurrence in this case. So I am inclined to believe his testimony. But what prompted the mohomadans to stop this particular procession it is not possible to say as there is no evidence about it. Probably the disappointment caused them by the orders of Government and the District Magistrates was always rankling in their minds.

The story as put forth by the prosecution has already been narrated. The defence story is that Jamadar Heerasingh P.W.2) espoused the cause of the Vaisyas who wanted the mohamadans

Mohamadans to have their masjid in a separate place or at least to change the gate of the present building, that the mohamadans refused to do so as the building would become ugly and that therefore the Jamadar was waiting for an opportunity to get the mohamadans punished. So after precuring the assistance of the Superintendent and other officers he took the procession in question with music and dancing in front of the masjid contrary to ---- mamool just to humiliate the mohamadans and further disturbed the persons who were offering prayers in the masjid It is further alleged that the Police fired the gun and the revolver, and that on account of the galata the persons going in the procession ran away throwing the palanquin and the lights and that on account of their doing so injuries were caused to some persons. The accused were neither present nor had they any hand in the galata.

It is thus seen from the written statement filed by the accused that the mohamadans did not do anything on the day occurrence 16-6-21 and that on the other hand it was the Police officers that were the aggressors from the beginning. To prove their theory the accused have examined some witnesses. They were D. W. 1, DW 2, Dw5,DW6, DW 7, DW 8, DW 9,DW 10, DW 11, DW 12, and DW 13. Many of these persons are related to one or another of the accused Besides there are a number of discrepancies in their evidence as regards who had gun and revolvers, and as regards what the Police Officers did and said while some say that they came away out of the masjid as soon as the Jamadar came to the compound of the masjid others say that they were offering prayers inside the masjid until they heard the noise of the gun and that they came out only

after

after hearing the same. According to defence witness 6 the Inspector was 10 or 12 yards from Abdul Khadir (D.W. 13) and he fired the revolver. D.W.8 says that the distance between the 2 was 2 or 3 yards while D.W.9 and D.W.12 respectively say that the distance was 10 yards and not 1½ yards. So according to all these the distance between Abdul Khadir (D.W.13) and the Inspector was less than 12 yards. Even according to D.W.13 the distance was only 20 yards. But the Sub Assistant Surgeon (P.W.23) has deposed that the bullet strength must have been practically dead when it reached the body and that the bullet must have started from a long distance. It is therefore seen that the verson given out by the defence witnesses cannot be true.

Then again the accused have exhibited 2 petitions (Exhibit D. 15, and D. 16) presented by some mohamadans to the Inspector General of Police and The Deputy Commissioner on 24-6-21 when they had come to Chintamani for enquiry. There are many discrepancies between the contents of these Petitions and the evidence now adduced by the accused. There is nothing to show that the Mohamadans had complained to the authorities earlier than 24-6-21. I think there can be no doubt that as a sort of counter move the mohomadans have set up their present theory. Looking into the probabilities of the two versions I think the defence story should on the face of it be rejected. The dispute between the 2 parties is about the stoppage of the music in front of the masjid . As regards this the Government Orders have all along been in favour of the Vaisyas. There is also over whelming evidence to say that the Vaisyas and other Hindus were actually exercising the right given to them by the above mentioned Orders.

That is all they wanted. On the other hand it is the other party i.e., the mohomadans who were the vanquished from the begining. Naturally they must have felt themselves aggrieved and consequently taken the aggresive in order to terrorize the other party and compel them to come to terms. The Superintendent of Police, Amildar and the other Police Officers are alleged by the defence side to have taken the leading part against the mohomadans. There is absolutely no evidence that these officers - some of whom are holding responsible appointments - had espoused the cause of the vaisyas. It is therefore unthinkable that they would have acted in the manner alleged by the accused.

I am therefore satisfied that the prosecution story is the true one and that the defence is a mere concoction

5. Having come to the conclusion that the occurence happened as alleged by the prosecution it has to be seen what evidence they reach against each accused and what evidence has been adduced by each accused on his behalf. I will therefore now proceed to discuss the evidence for and against the each accused.

Of the accused who are now before the Court the 9th 13th 16th, 17th, and 26th have not examined any witnesses on their behalf. So as regards them only the prosecution evidence has to be discussed .

Only one witness has deposed against the 9th accused i.e., P.W. 38 . As the accused's Advocate told me that P.W. 38 had pointed out the 13th accused and not the 9th before the Police I wanted to look into the statement given by the witness before the Inspector. But the same was not produced and the Inspector consequently deposed that he did not record his statement.But the witness (P.W.38) has admitted that his statement was recorded and that he affixed his thumb impression

impression to it. Then again he says that his statement was recorded 2 days after the occurrence while the Inspector says that he examined him on 22-6-21 i.e., 6 days after the occurrence . Taking into consideration all these facts I am inclined to give benifit of doubt to the the 9 th accused.

P.W. 54 is the only witness who has deposed against the 13th accused. He says that he did not give out either the name ~~or name~~ of the description of the 13th accused before the Police and that he did not also identify him when examined by the Inspector. In view of these facts and also taking into consideration that there is no other evidence against him I am inclined to him also the benifit of doubt.

P.W.32 who is a Police Constable deposes against the 16th accused. He says in his chief examination that the 16th accused pelted a stone at him and that the same hit him on the back. But at the time of his cross examination he stated that some 50 persons including the 16th accused were standing at some distance from him, that when he was retaining the stone fell on his back and that he presumed that the same must have been pelted by the 16th accused as he had previously seen him. There is no other evidence against the 16 accused and the evidence of P.W.32 cannot be considered to be quiet satisfactory. I am therefore inclined to give him also the benifit of doubt.

P.W.29 and P.W.33 depose against the 17th accused. P.W.29 says that he saw the 17th accused coming out of the Masjid along with some others. P.W.33 alleges that the 17th accused gave a blow with a bamboo stick on his left shoulder. He also pointed out when the accused were standing in disorder the 17th accused as one of the persons who bet him . I am satisfied from the evidence of the P.W.29 and P.W.33 that

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the 17th accused was one of the rioters.

P.W.38 and P.W.39 who were carrying the palanquin depose against the 26th accused. P.W.38 says that he saw him hitting the pole of the palanquin with a stone. P.W.39 says that the 26th accused beat him with a stick on the right thigh. Both the witnesses have properly identified him in the Court. Hence I have no reason to disbelive them.

Only one witness has deposed against the 5th accused and that is P.W. 46. He says that the 5th accused beat him with a stick on the left arm and the left ear. He has also identified him when he was standing with the other accused in disorder. The Assistant Surgeon of Chickballapur (D.W.18 has stated that he observed itches on the body of the 5th accused on 29-6-21. The Sub Assistant Surgeon of Chintamani P.W.40 has deposed that he treated him for lumbago from 23-6-21 till 26-6-21. The evidence of these 2 witnesses is not in any way helpful to the 5th accused. I am therefore of opinon that a case has been made out against him.

P.W.35 and P.W.54 have deposed against the 7th accused. P.W.35 has stated that the 7th accused beat him with a stick. He has also pointed him out correctly both at the time of the chief examination and the cross examination. But when he was recalled for further cross examination he said he could not identify the man who beat him on account of the lapse of time. P.W. 54 has stated that the 7th accused gave a blow to him with a bamboo stick. The Sub Assistant Surgeon (D.W.40) has deposed that he might have treated the 7th accused in his house for influenza prior to 7-6-21 and that he had come to the Dispensary on 11-6-21. He further says that although fever had left the 7th accused he was still weak. D.W.18 says that on 29-6-21 he was suffering from dropsy and fever. But it is not

not possible to conclude from the evidence of D.W.40 and D.W.18 that the 8th accused was unable to move about on the day of ocurrence i.e., 16-6-21. There is nothing on record to show that either P.W.35 or P.W.54 have any grudge against the 7th accused. I think it may farely be presumed that the 7th accused was one of the rioters .

P.W.36 says that the 28th accused beat him with a stick on the left shoulder. He also says that he is not working in the house of Vaisya Ramiah. He has satisfactorily identified the 28th accused and there is no reason to disbelieve him . D.W.40 says that the 20th accused was suffering from inflamation of the gums and throat on 16-6-21 and subsequentdays and he treated him for it. But there is the evidence of D.W. 40 himself to the effect that the 20th accused was moving about.

6. All the other accused have pleaded alibi and have examined witnesses to substantiate the same.

P.W.5 and P.W.29 have identified the 1st accused The former says that the 1st accused beat him with a stick on the right shoulder the latter says that he saw the 1st accused and some others coming out of the Masjid.

The 1st accused's defence is that he was at Bangalore on the day of occurrence. On this point he has examined D.W.30 and D.W. 31. The 1st accused is the son-in-law of D.W.30's sister. Hence D.W. 30 can by no means be considered to be a disinterested witness. D.W. 31 is a friend of D.W.30. D.W.30 and D.W.31 have not definitely stated that the first accused was at Bangalore on the day of accurrence. Besides there are improbabilities in their evidence . Further from the evidence of P.W.1 who is a gumasta in the Co-operative Society it is learnt that the 1st accused was at Chintamani. on 16-6-21 and that he also deposited money in the Society

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205
171

on that day.

The evidence against the 2nd accused is very strong P.Ws. 6, 20,21,22,42,44 and 47 say that the 2nd accused was present at the time of rioting and that he also took part in it. The 2nd accused's contention is that on 16-6-21 at about 3 P.M. he took D.W.19 and D.W.20 in his jutka from Chintamani to Mulbagal. There are some discrepancies between D.W. 19 and D.W.20 and their evidence seem improbable. Ex. D12 and D. 13 which are the entries made by D.W.19 in his account book do not deserve much value as the book itself has not been kept in the regular course of buidiness. Then again there is nothing in it to show that it was in the 2nd accused's Jutka that D.W.19 and D.W.20 travelled. D.W.19 admits that on some other occasions also he had travelled in jutkas but does not remember to whom they belonged. For these reasons I am not satisfied that the 2nd accused was absent from Chintamani at the time of occurrence.

The evidence against the 3rd accused is equally strong. P.Ws. 7,19,21,22, and 29 have spoken to the presence at the time of the occurrence and to his having participated in it. The accused's defence is that on 16-6-21 at 4 P.M. he went to Immareddihally which is 4 miles from Chintamani, to take medicine for the itches from which he was suffering and that he stopped there for the night. D.W.46 and D.W.47 have spoken to his presence at Immareddipally. The evidence of these witnesses teems with improbabilities and both of them admit that they have been selling grains etc., to the 3rd accused's father since 7 or 8 years. D.W.45 who was a hakim at Chintamani in the year 1921 says either from 26-21 or 3-6-21 he gave medicne to the 3rd accused for

itches

173 204

itches for 10 or 12 days and that he was then bed-ridden. When questioned as to how he came to know of the dates he said that he told the same from memory. This witness is an old man of 70 years and it is hard to believe that he can remember the dates so well. He admits that while he was a private practitioner in the year 1921, he was occupying one of the rooms belonging to the Masjid. P.W. 40, who is the Sub Assistant Surgeon at Chintamani, says that he treated the 3rd accused for itches on 19-6-21 and onwards and that he was then moving about with difficulty as the itches were in an acute form. But his remarks in the minute book (Ex. P. 24) do not say that the 3rd accused could only move about with difficulty and that the itches were in an acute form. Hr says that on these points he is deposing from memory. It is too much to expect such details from a witness who has to treat about 80 or 90 patients daily, and that too after more than a year has elapsed. So I am not convinced from the evidence of D.W.45 and 40 that the 3rd accused could not move about freely on 16-6-21 D.W.29 and P.W.37 speak to the presence of the 8th accused. The former says that he saw him coming out of the masjid. The latter at first pointed out the 8th accused as the person who beat him but subsequently he identified the 6th accused. Before the Inspector he has spoken against the 22nd accused and not the 8th. The evidence of P.W.37 is therefore practically useless. But there are not sufficient grounds to reject the evidence of P.W.29 who is Co-religionist of the 8th accused. D.W.51 says that last year on the birth day of His Highness the Maharaja he and the 8th accused had taken jutkas from Kolar to Mulbagal and that they returned at 7 P.M. to Kolar. He says that he and the 8th accused had taken jutkas together on many other occasions both before and after the birthday.

birthday but he is not able to give out on what days or dates they had gone on those occasions. So very little reliance can be placed on his evidence.

As regards the 11th accused two witnesses (P.W.16 and P.W.46) have deposed that he was present with the rioters P.W.46 has further stated that the 11th accused beat him on the back and right arm. The defence of the accused is that on the 16-6-21 he was at ~~Srinivas~~pur which is about 20 or 21 miles from Chintamani. Two witnesses (D.W.33 and 34) have stated that on that day the 11th accused was in their village. D.W.33 says that on that night the 11th accused and some others had met to settle the marriage of the daughter of 11th accused's sister. This witness admits that he had not been called when there was talk about the marriage on previous occassions. He also admits that though the marriage was settled then it has not taken place yet. D.W.34 says that on the evening of 16-6-21 he saw the 11th accused at the place where the inquest over the dead body of one Papamma was being held by the Jamadar. But the inquest report (Ex. P.26) shows that the inquest was held on 17-6-21 and that D.W.34 has not signed Ex. P.26.

P.W.6 and P.W.33 are the witnesses who have deposed against the 12th accused. P.W.6 has stated that the 12th accused gave a blow with a bamboo stick on his left hand. But at the time of cross examination he said that he could not identify him. P.W.33 has properly identified the 12th accd. even while he and the accused were standing in disorder. The accused has examined one witness (D.W.48) who says that he resident of Vayajakere, a village 10 miles from Chintamani. The witness does not say that he saw the 12th accused in his village on 16-6-21.

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The presence of the 14th accused is spoken to by P.W.29 and P.W.55. The latter also alleges that the 14th accused beat him with a stick on the back. He has properly identified him. D.W.32 has said that the 14th accused was in his house in the Kolar Gold Fields on 16-6-21. He has denied every relationship with the 14th accused but has admitted that the latter is working in the shop of his brother-in-law. But on looking into the statement of the 14th accused it is learnt that his sister has married D.W.32. So the evidence of D.W.32 is certainly interested.

P.W.43 says that the 15th accused beat him in the back with a stick. He has properly identified him in court. D.W.21 and D.W.22 have deposed that the 15th accused was at Sidlaghatta on 16-6-21 and that he had seen him in the evening in the Hindustani school. But there are discrepancies in their evidence as regards where they met one another. D.W.22 has stated that the 15th accused was then living in a house which is 10 yards from D.W.21's house. But D.W.21 says that he does not know in whose house the 15th accused was living and Gaffar Sab under whom this accused is alleged to have been working has not been examined.

The evidence against the 18th accused is that he pelted a stone at P.W.55. This witness has properly identified him even when the accused was standing in disorder. D.W.43 and D.W.44 have deposed that the 18th accused was at Gollahalli which is 4½ miles from Chintamani, on 16-6-21 at 7 P.M. According to them D.W.44 and the 18th accused purchased paddy from D.W.43 on that day. There are many improbabilities in their evidence. D.W.43 admits that there are 8 persons in his house and that in the year 1891, he had grown only 4 kandys of paddy and 3 kandys of Ragi.

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It is therefore not easy to believe how he could have saved and sold 80 seers of paddy to D.W.44 and the 18th accused.

P.W.6 and P.W.15 have deposed that the 21st accused assaulted them. Their evidence is worthy of belief and they have also properly pointed out the 21st accused. D.W.35 and D.W.36 have deposed that the 21st accused was present in the Hindustani school of Thirthahally of Hosakote Taluk on the evening of 16-6-21. D.W.36 is the brother-in-law of 21st accused. Both D.W.35 and D.W.36 are unable to say on what days the 21st accused had come to their village on previous occasions

P.W.4,8, and P.W.29 have stated that the 22nd accused was present among the rioters and that he had a stick in his hand. P.W.8 further states that he broke a light with a stick. D.W.27 and D.W.28 have deposed that on the evening and night of 16-6-21 the 22nd accused was at Sidlaghatta. They say that they and the 22nd accused had gone to the house of one Hayath sab to enquire whether he could give his daughter in marriage to the brother-in-law of the 22nd accused. D.W.27 says that he knows the 22nd accused only from one year and that previously the 22nd accused had never come to his house. D.W.28 admits that the 22nd accused is the son-in-law of his brother. He also says that the 22nd accused had not taken him to Hayath sab's House on previous occasion. It is rather curious that though D.W.27 and 28 were helpful to the 22nd accused he should not have invited them for the marriage.

P.W.14 and P.W.17 implicate the 23rd accused. The former says that the 23rd accused dealt a blow with a stick on his back just below the right shoulder. The latter corroborates him and says that he saw the 23rd accused beating P.W.14. The evidence of both these witnesses seems to be reliable. This accused has adduced evidence to prove that at the time of occurrence he

he was at Doddabandaraghatta which is 12 miles from Chintamani. D.W.16 and D.W.17 say that the 23rd accused lived there on that day. The inconsistance is and the improbabilities in their evidence are such that it is not possible to say that they are speaking the truth. Further they say that they invite the 23rd accused for meals now and then when he comes to their village. D.W.23 who is the father in-law of 23rd accused's brother says that he was living in h the house of 23rd accused in the month of June 1921 and that between 13-6-21 and 18-6-21 the 23rd accused was not at Chinmani. D.W.23 is closely related to the 23rd accused he has probably come forward to help him. D.W.55 who is the vice President of Chintamani Municipality says that the 23rd accused who is a servant of the Municipality was on leave from 14-6-21 to 18-6-21. On the leave application he has passed an order sanctioning the leave but he has not dated it He has again initialled the leave application on 19-6-21. He does not know whether the 23rd accused was at Chintamani or not on the days he had taken the leave. Thus I do not think that the 23rd accused has succeded in proving that he was absent from Chintamani on 16-6-21.

P.W.5,P.W.16,P.W.21,P.W.40, P.W.48, have said that the 25th accused took part in the rioting. Their evidence shows that he was one of the persons that took a prominent part. Thereis over whelming evidence against him. In his statement given in the court the 25th accused has said that he was at Garolu a village in Gudibanda Sub Taluk, on the day the occurrence took place. But his witnesses(D.W.25,D.W.26 and29) have deposed that he was at Sadali and Mathareddipalli on that day. Thus the two versions are irreconcilable. The evidence of D.W.25 and 26 and D.W.29 is also far from satisfactory. There is the evidence of only P.W.17 against the 27th accused.

He is

He is quiet a disinterested witness and has satisfactorily identified the 27th accused in Court. There is no reason why he should not be believed. This accused has examined 2 witnesses (D.Ws 53 & 54) to prove that he was at Sidlaghatta on 16-6-21. D.W.53 says that he does not know where the 27th accused was on that day. D.W.54 says that last year the 27th accused was working under him at Sidlaghatta, that he was there on the birth day of His Highness the Maharaja i.e., on 16-6-21, and that he left for Chintamani 7 or 8 after that to see his parents. He says that he has a number of servants under him and that he cannot say when they had absented themselves.

There is overwhelming evidence against the 28th accused who has taken a very prominent part in the rioting. P.Ws. 4,7,10,14,21,22,44 and 47 have implicated him. This accused has adduced evidence to prove that he was working in a pencil Factory at Yesawanthpur, that he fell ill some days prior to 16-6-21, and that on 16-6-21 he was at Bangalore under medical treatment. But on looking into the statement given by him I find that he has stated that he was at Yesawanthpur on the day of occurrence i.e., 16-6-21. Not a word has been said about his stay at Bangalore.

D.W.1 says that he used to see the 28th accused now and then at Yesawanthpur on his way to Bangalore. The evidence of D.W.23 is that he saw the 28th accused in his house at Bangalore on 9-6-21 or 10-6-21 and that there he was suffering from fever. D.W.24 says that he is a neighbour to D.W.23 and that on the evening of the 16-6-21 he saw the 28th accused in D.W.23's house suffering from high fever. But D.W.49 who is a Medical practitioner at Bangalore, says that on 13-6-21 he gave quinine pills to the 28th accused as fever had left him. This witness says that he has not maintained any

any register showing the names of patients and that he gave the certificate (Ex. D14) after refering to the prescription chit he had given to the 28th accused. This chit has not been produced. Though in Ex. D14 he has written that the 28th accused was under his treatment until 20-6-21 he states in Court that 11-6-21 was the last day he had seen him. D.W.50 says that he is a Maistry in the pencil Factory at Yesawanthpur that the 28th accused was working there until 8-6-21 or 9-6-21, and that he left it on that day for Bangalore on account of illness. D.W.59, who is the Proprietor of the Factory, also deposes similarly. Both of them say that they subsequently saw the 28th accused in the Barr Lines at Bangalore and that he was then suffering from fever. D.W.50 says that the 28th accused came to the Factory to learn how pencils were manufactured. But both he and D.W.59 admit that pencils began to be manufactured only 6 or 7 months ago. Besides only two or three coolies were working under D.W.59 in June 1921. All these facts go to show that the 28th accused never worked in the Factory at Yesawanthpur. D.W.58 speaks to the illness of the 28th accused at Bangalore. He says he was looking after his welfare then. One of the accused i.e., the 23rd accused is the brother of this witness and moreover he admits that he and the 28th accused are friends. On going carefully through the evidence of the witnesses examined by the 28th accused I cannot believe that he was either at Bangalore on 16-6-21 or that he was ill then. The witnesses have undoubtedly come forward and deposed in his favour to help him. I therefore disbelieve the alibi set up by the 28th accused.

P.W.s 5 and 20 have deposed that the 29th accused beat them with a stick. P.W.13 has said that he saw him pulling down the palanquin. P.W.49 has alleged that the 29th accused beat the light he was carrying. This accused's defence is that he

he was at Hosakote on 16-6-21. One of his witness(D.W.41) is the son of his mother's sister and the other (D.W.42) says that he did not see the 29th accused at Hosakote on the birth-day of His Highness the Maharaja.

P.W. 25 who is a Mukthethar at Chintamani, says that the 30th accused and another came and told him on 13-6-21 that the vaisyas with the assistance of Government Officers had arranged to take procession with music within 3 or 4 days and that the mohomadans were determined not to allow it at any cost P.W.9 says that ~~he was~~ the 30th accused beat him with a stick on his head. P.W.18 says that he was also beaten by the 30th accused but he admits having ~~told~~ told the Inspector that one Sheik Mohidin and not the 30th accused beat him. So his evidence is practically useless. But the evidence of the other two witnesses (P.Ws. 25 and 9) is quiet convincing. This accused has stated at the time of his examination that he left Chintamani for Thogur on the afternoon of the day when the occurrence took place. But D.W.52 says that he came there on 8-6-21 and D.W.59 says that he came on 14-6-21. The 30th accused has married the grand daughter of D.W.52 and D.W.59 admits that he has relatives at Chintamani.

P.W.4 says that the 31st accused had accompanied the Sait when he beat him. He also says that the 31st accused had a bamboo stick in his hand. P.W.29 says that he was beaten with a bamboo stick by the 31st accused. The contention of the 31st accused is that he was at Beerangi Kothakote in Madanapalli Taluk on 16-6-21. His witnesses are D.Ws. 37,38,and 39. Of these D.W.37 is his brother and D.W.39 is the father-in-law of D.W.37. There are a number of inconsistencies and improbabilities in the evidence of these witnesses and it is impossible to believe what they have said.

7.

7. One of the defence witnesses (D.W.3) has deposed that Article No. 1 is his and that it was snatched by Constable Gundu Rao when he went to witness the procession on 16-6-21. He says that nobody saw the snatching of article No.1 from his hand. He has also not complained about it to the authorities. This witness has been teasing jointly with some mohamadans.

The prosecution version is that Article No. 1 was with Ales Baba Sait when the rioting took place and that it was with it that he beat Munivenkatappa (P.W.50) and others. A number of persons have spoken to it and I have no reason to disbelieve them. P.W.50 had a simple fracture of the lower third of the right tibia and the Sub Assistant Surgeon (P.W.23) is of opinion that it could have taken 6 weeks to heels. The balck stick (Article No. 1) which Ales Baba Sait, one of the rioters used on that day is heavy and strong and I am of opinion that it is a deadly weapon. The Sub Assistant Surgeon is also of the same opinion for according to him it is likely to cause death if a blow is given with it with force. For these reasons I am of opinion that P.W.50 had grevious hurt and that it was caused by a deadly or dangerous weapon by Ales Baba Sait.

8. The 4th,6th,10th,19th,24th,and 32hdand 33rd accused have been discharged on 9-5-22. In discussing the evidence against the 9th and 13th and 16th accused it was seen that it was rather shabby and that these accused were entitled to the benefit of doubt. They are therefore acquitted under Sec. 258 Cr.P.C. of the offences with which they stand charged. The prosecution has proved that the other accused persons viz., the 1st,2nd,3rd,5th,7th,8th,11th,12,th,14th,15th,17th,18th,20th 21st,22nd,23rd,25th,26th,27th,28th,29th,30th,and 31st participated in the rioting. There is also evidence that one the rioteer viz., Ales Baba Sait caused grevious hurt by

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a dangerous weapon to P.W.50. Therefore under Sec.149 I.P.C. the above mentioned accused persons are also constructively liable for punishment for an offence under Sec. 147 I.P.C. and also of the offence under Sec. 326 I.P.C. by the application of Sec. 149 I.P.C. A somewhat deterrent punishment is called for in this case on account of the defiance of law and authority with thoroughly unprovoked nature of the attack. I therefore sentence each of the accused persons who have been found guilty to undergo rigorous imprisonment for 6 months (six months) for the offence under sec. 147 I.P.C. For the other offence I sentence each of them to undergo rigorous imprisonment for one week and to pay a fine of Rs 10/-. The sentences will run concurrently.

It is an admitted fact that there is a long standing dispute between the mahomadans with Vaisyas in connection with the right to stop music in front of the masjid. It is also in evidence that though several orders by competent authorities have been passed against the Mohamadans they are still claiming the right to the stoppage of music in front of their masjid. Instead of attempting to get redress by constitutional means they have in the present instance taken the law into their own hands and used violence to a number of persons going in procession on an auspicious occasion. Looking into the previous conduct of the mohamadans there is every probability of the breach of the peace being committed again. I therefore hold that this is a fit case for taking action under section 106 Cr.P.C. I therefore direct that each of the convicted persons should execute a bond for 100Rs with one surety for the same amount for keeping the peace for 2 years.

The articles which have been produced in the case

may

may probably be required in the case against Ales Baba Sait. So they will be delivered to the Police for production in the court concerned and for obtaining final orders as regards their disposal.

9. A number of allegations have been made in this case against the Police Officers without the least foundation. Not even single allegation has been proved. It is very unfortunate that the accused should have so easily made those allegations just because they have been implicated in this case.

It now remains to consider whether there was any justification for the firing by the gun and the revolver which resulted in a gun shot wound to the boy, Khader. The point for consideration is whether at the time the gun was fired the crowd was still rowdy and turbulent. The Inspector (P.W.28), Jamadar (P.W.2), Amildar (P.W.24) Sankarasastry (P.W.28) and P.W.32 say that stones were being pelted on or about the time when the fire was opened. The available evidence on this point though not very much is still sufficient to show that there was justification for using the fire arms. Besides the injury which was caused to the boy (Khader) was not a very serious or

The Inspector (Mr. Dhummiah) very promptly hurried to the spot and with commendable courage quelled the disturbance which might have otherwise resulted more seriously. The same cannot be said of the Amildar (Mr. B.Venkatakrishnappa) who though quite near the scene of occurrence and though in possession of information which led him to apprehend some disturbance kept quiet without immediately going to the spot to do the needful in thematter. The explanation offered by him for not immediately going to the spot is not satisfactory. He says that he did so because he thought that Dastagir Sab, whom he sent to advise the mohamadans, was better able to

control

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control the mob being the Muthuvali. Probably the unfortunate incident would not have happened at all in case he had promptly gone to the place where mischief was brewing.

Jamadar Heerasingh came to know when the procession was still far off from the masjid that there was some trouble. After going to the masjid he saw more than 100 mohomadans assembled there with a view to create a disturbance. He knew that three of his superior officers viz., the Superintendent, The Amildar, and the Inspector were available in the town. Under these circumstances he would have done well immediately stopping the procession and taking instructions from his officers. Probably by adopting such a procedure he would have avoided the subsequent development.

Pronounced in open Court.

Sd/- M.Chennaraj Urs.
22-8-1922.

First Class Magistrate.

Compared.

"Copy"

Varaneekar

Assistant Commissioner
and First Class Magistrate,
Mulbagal Division, Kolar

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OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE

No. ~~C. 1977/21~~.
D/Dis 295/22

Dated Bangalore, 7th April *192* 3

Encls

From

P.F.Bowring, Esquire,

The Inspector-General of Police in Mysore

Bangalore.

8-Ap 23

9 Apr 1923

To

G.Aravamudu Iyengar, Esqr., B.A., B.L.,

~~*Chief*~~ *Secretary to the Government of His Highness the Maharaja of Mysore.*

Bangalore.

General Department.

Sir,

In continuation of this office letter No C 2959/20 dated 26/29th September 1922 reporting the result in the Chintamani Rioting case, I have the honor to state for the information of Government, that judgment in the appeal case was passed by The Hon'ble Chief Court on 22nd March 1923 confirming the convictions and sentences of the lower Court in respect of 15 accused persons and setting aside the same as regards the remaining 8 accused persons.

I have the honor to be

Sir,

Your most obedient servant,

P.F.Bowring

Inspector General of Police.

No 1593 Gen. Copy of Judgment. 36939 Police 185-20-17. S T 48 217

Office of the District Magistrate, Kolar District.
Dated Kolar, the 4th April 1923.

+66

From

S. Hirianaiya, B.A., M.A., B.L.,
District Magistrate, Kolar District.

To

The Hon'ble Mr. M a t h a p p a, B.A.,
Chief Secretary to Government of Mysore,
B a n g a l o r e.

JUDICIAL AND P... 12 APR 1923 JUDICIAL BRANCH

12 APR 1923

Sir,

In continuation of my predecessor Mr. Mecci's confidential D.O. letter No:nil dated 16-8-1921, reporting in detail the facts of the case in re: the riot that occurred in Chintamani on the 16th June 1921, I have the honor to forward for the information of Government, a copy of the judgment of the Chief Court upholding the conviction and sentence of six months Rigorous Imprisonment passed under Sec. 147 I.P.C. in respect of fifteen of the accused persons by the First Class Magistrate of Chintamani Sub Division in C. C. No:53 of 21-22 on the file of His Court.

I have the honor to be,
S i r,
Your most obedient servant.

P&C 1/4

For District Magistrate,
Kolar District.
(Ahmed Jan Khan)

V. V. R. P.

mkz

In the Chief Court of Mysore at Bangalore.

Thursday, the 22nd day of March 1923.

Present.

Mr. Justice J. B. Plumer & Mr. Justice B. Subbanna.

Criminal appeal No:31 of 22-23 against the convictions and sentences passed by the First Class Magistrate, Chintamani in Criminal Case No:53 of 21-22 under sections 326 and 147 of the Indian Penal Code.

Appellants:-

1. Rahim Sab.
2. Abdul Khader.
3. Mahomad Jaffar.
4. Syed Ibrahim.
5. Syed Khader.
6. Syed Abdul Gaffoor.
7. Abdul Sattar.
8. Kalung Sab.
9. Syed Muhammad.
10. Mahamad Kalander.
11. Hyder Sab.
12. Kalland Sab.
13. Fakruddin.
14. Hussain Sab.
15. Abdul Sattar.
16. Khader Pucha.
17. Abdul Razack.
18. Abdul Aziz.
19. Abdul Khaner.
20. Syed Ahmed.
21. Kassai Hussain.
22. Syed Kalander.
23. Mir Fakruddin.

(accused 1,2,3,5,7,8,11,12,14,15,17,18,20,21,22,23,25,26,27,28,29,30 31).

Judgment.

The appellants in this appeal are twenty three out of thirty three accused who were charged before the First Class Magistrate, Chintamani with rioting and causing grievous hurt at Chintamani on the 16th June 1921.

2. Of the thirty three accused the 4th, 6th 10th 19th 24th 32nd and 33rd were discharged and accused 9, 12 and 16 were acquitted accused 1,2,3,5,7,8,11,14,15,17,18,20,21,22,23 and 25 to 31 were convicted and sentenced under section 147 Indian Penal Code to undergo six months' rigorous imprisonment and under section 326 Indian Penal Code read with section 149 I.P.C. each of these accused were sentenced to further undergo one year's rigorous imprisonment and to pay a fine of Rs.10/-.

Each of the convicted accused was further ordered under Sec. 106 Cr.P.Code to be bound over to keep the peace for two years.

All the convicted accused appeal and their counsel Mr. J. Narayanaswami Naidu has argued their case before us at very great length. The learned Government Advocate was heard in support of the conviction.

the conviction.

We have been taken in detail through the evidence of the 55 prosecution and 59 defence witnesses.

The facts of the case and all the evidence on either side have been fully and accurately set out in the Judgment of the learned Magistrate and we do not consider it necessary to recapitulate them. Briefly the facts are that on the 15th June 1921 two of the leading Vaisya families in Chintamani celebrated the marriage of a son and daughter. On the evening of the 16th they took the bride and bridegroom in procession. A Police Jamedar Heera Singh P.W.2 and some Police constables P.W.s.3,30 and 31 and the Police drill instructor Hayath Manowar P.W.29 escorted the procession. When nearing the Asherkhana which the mahamadans of Chintamani used as their Masjid or place of worship the Jamedar was informed that the mahomedans had assembled in the asherkhana and were determined to stop the procession if it attempted to pass the building with the playing of music. Though they had no manner of right to object to music being played, & in 1914 had agreed not to make any such objection in future until they could obtain an order of Government, giving that right to them. On getting this information the Jamedar went with the constables to the building and found some one hundred or more Mahomedans assembled there. Though ordered to disperse they refused to do so and as the procession continued to approach with music playing the attacked the procession and beat the Jamedar and others and broke the palanq in and Washington lights. The District Superintendent of Police, Mr. V. Gopala Rao was at that time in the Police office and the Amildar of the Taluk Mr. B. Venkatakrishnappa was in the office of the Co-operative society both within two furlongs of the asherkhana. They neither of them appear to have ventured on the scene of the rioting till the Inspector P.W.1 and some constables had dispersed the rioters to effect which they had to fire one or two shots one of which hit a Mahomedan lad in the stomach but so lightly that only a very superficial wound was caused. After the rioters dispersed, the District Superintendent of Police and Amildar approached the Asherkhana.

The Amildar tries to make out that he was all along just behind the Inspector and that he was with him when he opened fire on the

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ing but reading his evidence as a whole and taking it in conjunction with the evidence of the Inspector P.W.1 it is clear that the miliar and the District Superintendent of Police shirked their duty in a most cowardly manner and left the Inspector to bear the whole brunt and responsibility of a distinctly difficult situation. Fortunately the Inspector faced the position with courage and resolution and by his prompt and firm action averted what might have been a very serious riot, as it was before the Mahamadans dispersed they caused hurt to P.Ws. 2,3,4,6,9,12,14,29,31,32,46,50 and 54. Of these P.Ws. 2,3,29,31 and 32 are in the ~~Kinnar~~ Police. Except P.W.50 the hurt caused was not serious. In his case a blow on the leg with a stick fractured the shin bone and caused grievous hurt.

The appellants' counsel urges that as there was no identification parade the identification of individual accused is unreliable. He objects that the prosecution witnesses are all either Police or Vaisyas and their dependants and that their evidence is therefore interested and open to distrust and doubt. He contends that the evidence of the palanquin bearers and of the carriers of the Washington light is very discrepant and contradictory, and he contends that it is improbable if there had been a riot as alleged that every one of the Mahamadans would have got off without even a scratch. He dwells also on the youth of the accused [illegible] he pleads that if their convictions are affirmed their youth may be made a reason for lessening their sentences.

He cites 22 Calcutta 306 and 1919 Criminal Law Journal Vol.XL at page 150 and Gour's Criminal Law page 774 in support of his contention that all the accused should not be found guilty of having caused grievous hurt and urges that section 149 in the circumstances of this case should not have been applied and that only the one accused who caused the grievous hurt should have been convicted and sentenced for that offence. Finally appellants' counsel relying on the decision of this Court in Criminal revision Petitions 44 and 45 of [illegible] contends that the whole trial was vitiated because though the accused were examined generally on the case after the charge was framed

after all the evidence in support of the prosecution had been taken they had not been again examined after the prosecution witnesses had been recalled and cross examined at the instance of the accused under section 256 Cr.P.Code.

Before judgment was written it came to our notice that this point had been referred to a full bench of the Madras High Court as the correctness of the Bench decision in 40 Madras Law Journal 402 and a few other allied decisions such as 45 Bombay 672 and 61 Indian Cases 8 4 was doubted.

We accordingly held judgment in abeyance --On receipt of the decision of the Full Bench holding that trial was not thereby violated we referred the point to a Full Bench of this Court and the result of the reference has been that the Full Bench unanimously concurred with the Full Bench of the Madras High Court and held that such procedure was neither illegal nor an error. Following that decision we overrule this first contention of appellants' counsel and we hold that the procedure of the Magistrate was neither illegal nor improper.

On the facts we see no good reason to doubt the truth of the prosecution evidence on the main events of the evening of the 16th June. We have no doubt that the Mahamadans assembled at the asherkhana in Chintamani on that evening determined to prevent by force, if necessary, the passing of the procession with music past that asherkhana and that incited and led by one Ali Baba and they did in fact, in pursuance of that common object assault the Police and persons forming that procession and so committed the offence of rioting puhishable under Sec. 147 Indian Penal Code.

As regards the accused individually we are satisfied with the evidence of those prosecution witnesses who depose to the participation in the riot of accused 1, 2, 3, 5, 11, 12, 14, 18, 21, 22, 25, 26, 28, 29 and 31 and we think that their guilt has been proved beyond all reasonable doubt.

We agree with the appellants' Council that the evidence against accused 7, 8, 15, 17, 20, 23, 27, and 30 is somewhat weak, and except as regards accused 23 and 30 the learned Government Advocate does not press the case against these accused. He urges that the evidence against them accused 23 and 30 and especially accused 23 should be accepted and

we have carefully reconsidered the evidence against them, we feel however that there is room for reasonable doubt in their cases also.

We accordingly give accused 7,8,15,17,20,23,27 and 30, the benefit of the doubt and setting aside their convictions and sentences we acquit them. This also carries with it the cancellation of the order binding these eight accused to keep the peace.

We agree with the contention of the appellants' Counsel that in the circumstances of this case there is not sufficient to justify an inference that the grievous hurt caused to P.W.50 by the ringleader who is not amongst the accused in this case was an offence which the members of the unlawful assembly participating in the riot know to be likely to be committed in prosecution of the common object of the riot and we think this causing of grievous hurt can hardly be said to have been in the prosecution of the common object the stopping of the procession which had already been achieved.

We accordingly set aside the conviction and sentence of all these other appellants in respect of the offence punishable under section ~~xxx~~ 326 read with section 149 I.P.Code and of that offence we acquit them and we direct that their fines if paid will be refunded.

We see no good reason to reduce the sentence of six months' rigorous imprisonment under section 147 Indian Penal Code.

-----Appellant -accused 1.Rahim Sab, 2.Abdul Khader, 3. Mahamad Jaffer, 6. Syed Ibrahim, 11. Abdul Sattar, 12. Mallang Sab, 14. Syed Mahamad,-- 18. Mallang Sab, 21. Hussain Sabi, 22. Abdul Sattar. 25. Abdul Razack, 26. Abdul Aziz, 28. Syed Ahamad. 29. Kasai Hussein, 31. Mahmad Nairuddin will accordingly surrender to their bail and complete their terms of imprisonment.

The order directing them to be bound over to keep the peace is also confirmed.

Signed. W.B.Plumer,
Judge.
Signed. B.Subbanna,
Judge.

"Copy"

for District Magistrate
Kolar District.

Police 185-10 1000. 118 19C P.

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No. JB 156 25-10

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,

Dated Kolar 29th August 1923

FROM

S. HIRIANNAIYA, ESQ., M.A., B.L.,
Deputy Commissinoer, and
District Magistrate, *Kolar District.*

31 AUG 1923

K. Matthan, Esquire, B.A.,
Chief Secretary to Government of Mysore,
Bangalore.

SIR,

In continuation of my letter No. 1593 dated 11th April 1923 reporting the result of the appeal of the Chintamani Rioting Case which occured at Chintamani on 16-6-1921, I have the honor to state that one of the accused concerned in the case by name Lesbaba alias Gulam Asool who was absconding was arrested at Sidlaghatta on 7-8-1922 and putup before the Ist class Magistrate, Kolar Sub-Division, with the result that he was convicted on 13-8-1923 of an offence under section 148 I.P.C. and sentenced to suffer Rigorous Imprisonment for six months, and two months Rigorous Imprisonment for an offence under section 326 I.P.C. the sentences running consecutively. Under section 106 Cr.P.C. the accused was further directed to execute a bond for Rs 50/- with two sureties for a like sum for a period of three years after the expiry of the sentences awarded. The accused has been committed to prison to undergo the sentences passed.

I have the honor to be,
S i r,
Your most obedient servant,

Treasury Assistant Commissioner,
For District Magistrate,
Kolar District.

Submd for perusal.
The main file, according to the markings in the Branch Diary, is now before the Chief Secy with a draft G.O. This will be approved & the enclosed therein after its return.

Police 18.5-20
SL 415 19

Proceedings of the Government of
H.H. the Maharaja of Mysore.

- - -

Date of Issue 3/11/23
Signature C.A.G.

Read-

Telegram dated 21st ~~July~~ June 1921 from Kazi Syed Kasim, and also some other telegrams and petitions from the Mahomedans of Chintamani and other places in the State, complaining - - against the high handed action of the police and other local officers of Chintamani, in having on the 16th ~~July~~ June 1921, led with an armed escort a marriage procession with - music past the Ashur Khana when evening prayers were going on, trespassed into the building, opened fire and wounded a boy without provocation, and in having closed the mosque on the 17th, 18th and 19th of ~~July~~ June 1921, and requesting that a Committee may be appointed to investigate and punish the officers concerned in a suitable manner, besides transferring the prosecution launched against the Mahomedans to a Christian Magistrate.

2. Petition of the Vaisyas quoting a series of orders which declare their right of procession and requesting that the present gate of the Ashurkhana may be closed and another opened in a different street to avoid all future trouble.

3. The joint report dated 25th June 1921 of the I.G.P. and the Deputy Commissioner on the occurrence.

4. The detailed report dated 20th August 1921 of the Deputy Commissioner ~~on~~

the same together with the Inspector-General's remarks.

5. Judgment of the 1st Class Magistrate convicting several of the Mahomedans accused and criticising the conduct of the Amildar in having shirked responsibility and of the Jemadar for want of tact.

6. Judgment of the Chief Court upholding the conviction and passing adverse remarks both against the District Superintendent of Police and the Amildar.

7. Explanations furnished by the District Superintendent of Police and the Amildar.

8. Petition dated 16th July 1921 from one Abdul Khader, asking for sanction to prosecute the officers concerned.

- - -

Order No. P 2361-3 Dy 3rd Nov. 23

In connection with a collision between the Hindu and Mahomedan residents of Chintamani in June 1921 on a question of stoppage of music before a Mahomedan place of worship, numerous representations ~~have been~~ were received by the Government from members of the Mahomedan community alleging partiality and high-handedness on the part of the local officials and from members of the Hindu (Vaisya) community making counter-charges against the Mahomedans. The District Magistrate of Kolar who was requested by Government to make a full report about the occurrence ~~has done~~ did so in his letter of the 20th August 1921 received with let-

letter No.R.O.C. 2959 dated 26th August 1921 from the Inspector General of Police. As a charge-sheet had been placed by the Police against the rioters and the case was sub-judice, the Government decided to defer passing orders on the questions involved till the case was disposed of.

2. After a protracted trial, 23 out of the 33 accused persons (all Mahomedans) were convicted by the 1st Class Magistrate of Chintamani under Sections 147, 326 and 149 of the I.P.C. on the 22nd August 1922 to imprisonment and fine and bound over under Section 106 Cr. Procedure Code to keep the peace for 2 years. On appeal, the Chief Court in their judgment dated 22nd March 1923 set aside the conviction and sentence in respect of 8 of the above 23 persons, and the conviction and sentence under Sections 326 and 149 I.P.C. in respect of the others; but confirmed the con-viction and sentence under Section 147 I.P.C. (rioting) in respect of these latter.

3. So far as the incidents of the 16th June 1921 are concerned, the facts, ~~are briefly~~ as follows, as set out ~~by~~ (the Hon'ble) the Judges of the Chief ~~Court~~ in the subjoined extract from their judgment of the Chief Court, are as follows

"Briefly the facts are that on the 16th June 1921 two of the leading Vaisya families in Chintamani celebrated the marriage of a son and daughter. On the evening of the 16th, they took the bride and bride-groom in pro-

procession. A Police Jemadar Heera Singh, P.W. 2 and some police constables, P.W's.3, 30 & 31 and the police drill instructor Nayath Manowar P.W. 29 escorted the procession. When nearing the Ashurkhana which the Mahomedans of Chintamani used as their Masjid or place of worship, the Jemadar was informed that the Mahomedans had assembled in the Asharkhana and were determined to stop the procession if it attempted to pass the building with the playing of music, though they had no manner of right to object to music being played and knowing they had agreed in 1914 not to make any such objection in future until they could obtain an order of Government, giving that right to them. On getting this information the Jemedar went with the constables to the building and found some one hundred or more Mahomedans assembled there. Though ordered to disperse they refused to do so and as the procession continued to approach with music playing, they attacked the procession and beat the Jamedar and others and broke the palanquin and Washington lights. The Dist. Superintendent of Police, Mr. V. Gopala Rao was at that time in the Police office and the Amildar of the taluk, Mr. B. Venkatakrishnappa, was in the office of the Co-operative Society, both within two furlongs of the Ashurkhana. They neither of them appear to have ventured on the scene of the rioting till the Inspector P.W. 1 and some constables had dispersed the rioters to effect which they had to fire one or two shots one of which hit a Mahomedan lad in the stomach but so lightly that only a very superficial

wound was caused. After the rioters dispersed, the District Superintendent of Police and Amilda approached the Asherkhana.

The Amildar tries to make out that he wa all along just behind the Inspector and that he was with him when he opened the fire on the mob but reading his evidence as a whole and taking it in conjunction with the evidence of the - Inspector (P.W.1) it is clear that the Amildar and the District Superintendent of Police shirked their duty in a most cowardly manner and left the Inspector to bear the whole brunt and responsibility of a distinctly difficult situation. Fortunately the Inspector faced the position with courage and resolution and by his prompt and firm action averted what might have been a very serious riot; as it was, before the Mahomedans dispersed, they caused hurt to P.w's. 2,3, 4,6,9,12,14,29,31,32,46,50 & 54. Of these P.w's. 2,3,29,31 & 32 are police officers. Except P.w. 50 the hurt caused to others was not serious. In his case a blow on the leg with a stick fractured the shin bone and caused grievous hurt."

4 The questions that now remain for consideration (2 Gw.) are-

(a) whether the disturbance could have been prevented by the adoption of adequate precautionary measures by the Police and the local Magistrate;

(b) whether there was a necessity for the Police to open fire on the rioters;

(c) whether the order passed by the Amildar

Magistrate on the 17th idem preventing Mahomedans from entering the premises of the Asherkhana for 3 days, was necessary and justifiable;

(d) the conduct of the local officers generally with special reference to the adverse remarks contained in the judgment of the Chief Court regarding the District Superintendent of Police and the Amildar;

(e) the question of the grant or otherwise of sanction to prosecute the officers concerned;

(f) closing of the existing entrance to the Ashurkhana as requested by the Vaisyas;

(g) lastly, the measures to be adopted to prevent a recurrence ~~xx~~ of such disturbances.

5. In the joint enquiry by the I. G. of Police and the District Magistrate, the Hindus admitted that before the 16th June 1921, several processions passed off quietly, and that in some of them, at any rate, there was a cessation of music in front of the Ashurkhana, either out of courtesy or fear or both. On the 16th June 1921, however, the Hindus (Vaisyas) resolved to enforce their right which had been recognised in a series of Government Orders; and the local authorities were bound to support the exercise of this right. The Mahomedans however, were equally determined to oppose the playing of music before their place of worship. They were openly seeking legal advice about the steps to be taken and about the consequences that would ensue ~~x~~ if they took the law into their own hands. Collection

230

of stones and sticks in a place open to public view plainly indicated their attitude. That trouble was brewing and was known to the local authorities is proved by their deputing a Jamedar a Daffedar and posse of Constables, probably armed, to escort the procession, when no such precautions were taken on any previous occasions. If, as is reported, the Mahomedans objected that very morning, to even the procession with music of H. H. the Maharaja's photo, the situation was grave and serious trouble might have been anticipated. Under the circumstances it was incumbent on the local officers to have either awaited reinforcements to frustrate any attempt at a disturbances or called upon the leaders of the Mahomedans community to furnish security to keep the peace or postponed the procession itself till the situation eased itself. Government consider that the disturbance could have been avoided by the adoption of adequate and time-ly precautionary measures and consider that the local officers, in having risked matters, without proper precautions, were guilty of culpable negligence. The conduct of the procession was left to the Jamedar, and the higher officers kept away awaiting developments.

6. By the time the Inspector arrived on the scene, the Hindus and the Police had been beaten and had scattered. The Mahomedan mob was still rowdy and not under control. Stones continued to be thrown at the Police and others, in spite of warnings. To avoid any fresh raid and further serious consequences, Government consider that it was necessary to disperse the mob, and to resort

to firing to achieve the end in view. The object was gained with only a slight injury to a boy.

7. The Amildar's order prohibiting access to the Asherkhana, which is used for prayers, except with his permission, was unprecedented and uncalled for. Most of the culprits had absconded and others were evading arrest. The order therefore, even if the Magistrate could pass such an order, was neither necessary nor justifiable.

8. The conduct of the officers concerned in relation to the precautions that ought to have been taken has already been remarked upon. The Chief Court have remarked that the Superintendent and the Amildar shirked their duty in a most cowardly manner and left the Inspector to bear the whole brunt and responsibility of a distinctly difficult situation. In their explanations these officers try to make out that they were present on the spot with the Inspector, and that the Superintendent handled the situation and ordered the firing. The first information report in the case, and the demi official letters of the Superintendent and the Amildar, written at the time, ~~though carefully worded~~, however point to the Inspector acting on his own initiative and responsibility. A careful consideration of the depositions of the Amildar and the Inspector before the Court also points to the same conclusion. The Magistrate who tried the case is also of opinion that the Amildar kept away just when his presence was necessary. In his circumstances Govt. agree with the Chief Court that both these officers appeared on the scene after the disturbance was quelled.

232
20/-

9. The Superintendent of Police Mr. V.Gopala Rao has since been reverted as Amildar on account of ~~his~~ unsatisfactory work when he was Second Grade Magistrate in the Kadur District. As his retirement under the superannuation rules has already been ordered, the Govt. consider it sufficient to place on record their severe displeasure with his management of this affair. The Amildar Mr. Venkatakrishnappa has offered a very unsatisfactory explanation for not going to the spot as soon as he came to know of the disturbance. As remarked by the Chief Court he shirked his duties in a cowardly manner. The Government direct that he be reduced to his permanent grade as Amildar, 4th Class for a period of six months.

10. Government do not consider that there is any reason to accord sanction to prosecute the officers concerned for anything done by them in the course of their duty. The situation as it developed rendered it necessary to open fire, and no blame can be held to attach to the Police Inspector for this. The injury to the boy could not ~~be~~ in the circumstances avoided. Suitable notice has, moreover, been taken of the conduct of the officers.

11. As regards the request of the Vaisyas to close the present entrance to the building and open a new one in a different road, the Government do not see sufficient reason to pass any

orders

as prayed for

12 As regards the measures to be adopted to prevent the recurrence of such disturbances, the question is under the consideration of this Department and will be dealt with in due course after

Secretary to Government,
Local and Legislative Departments.

To

The Registrar, Chief Court, (with the covering letter). returning the record, receipt with his letter No.

The Inspector General of Police in Mysore. 853/a & 2nd copy (2)

WD 2665—GPB—50,000—1-5-27

192 .

From

The Special 1st Presidy Magistrate Bangalore

To

The Chief Secretary to the Government of Mysore

Dated

Despatched 8. 9. 28

Received

General No. PR' no 264/28/18.

No.

Enclosure No. Two .

Sir,

I have the honor to forward herewith witness Summons on behalf of the accused in this case no 31 y 28/29 on the file of this Court and to request that the documents mentioned therein may kindly be caused to be produced before the Court at 11 AM on 10. 9. 28.

The original Summons may kindly be caused to be returned with endorsement of service.

I have the honor to be
Sir,
Your most obedient
Servant
[illegible]
Special 1st Presidy Magistrate
Bangalore

P.R No. 264

WD01858—GPB—30,000—24-12-26

Summons to a witness
Secs. 68 & 252. C. P. Code.

Form No. 6. Criminal.

IN THE COURT OF The Special 1st grade Magistrate, Bangalore.

Criminal Misc no 31/29/29.

To Complainant Government of Mysore

accused 1. N V Subramanyam 2 Ramalal Mewari 3 J Bheemarao

To The Chief Secretary to the Government of Mysore

Whereas complaint has been made before me that the above accused of Bangalore has (or is suspected to have) committed the offence of under Sec 107 Criminal Procedure Code

The production of endorsement mentioned documents

and it appears to me that ~~you~~ are likely to give material evidence for the ~~prosecution~~ defence

You are hereby requested to cause the production of the documents mentioned below.

~~You are hereby summoned to appear~~ before this Court on the ~~day of~~ at 11 a m on 10.9.29 ~~next at o'clock~~ in the forenoon to testify what you know concerning the matter of the said complaint and not to depart thence without leave of the Court and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of 192

Special 1st Grade Magistrate, Bangalore

Seal.

N. B.—Whenever this form is used to summon a witness residing outside the State the penal provision about the issue of a warrant referred to above should be deleted.

P. J. O

(1) Petition presented to Sir Alexander Sir M Kantharaja Urs, Dewan of Mysore, by Messrs Mohamad Abbas Khan and several other Mohamadans in the year 1921 in re the riot cases of Chintamani.

(2) Memorial to His Highness the Maharaja of Mysore, presented by Mr Mahamad Abbas Khan and several other Mohamadans in the year 1921 in re the riot cases of Tiptur and Chintamani

WD01858—GPB —30,000—24-12-26

Summons to a witness
Secs. 68 & 252. C. P. Code.

Form No. 6. Criminal.

IN THE COURT OF the Presidency Magistrate Criminal Misc no 31/1929

Complainant Government of Bangalore

Accused 1 V Subramanyam 2 Ramul Nivas 3 J Bheemarao

To

20

The Chief Secretary to the Government Bangalore

Whereas complaint has been made before me that the above accused of Bangalore has (or is suspected to have) committed the offence of under Sec 107 Criminal Procedure Code

and it appears to me that ~~you~~ the production of the undermentioned documents are likely to give material evidence for the ~~prosecution~~ defence

It is therefore requested to direct some one to produce the documents mentioned below

~~You are hereby~~ summoned to appear before this Court on the ~~day~~ day of 4th 11 am or so after ~~next at~~ ~~o'clock~~ in the forenoon to testify what you know concerning the matter of the said complaint and not to depart thence without leave of the Court and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this 1st day of November 192

Seal.

Presidency Magistrate, Bangalore

TO.

N. B.—Whenever this form is used to summon a witness residing outside the State the penal provision about the issue of a warrant referred to above should be deleted.

(1) Petition presented to Sir Lewis Kantaraja Urs Dewan of Mysore by Mr Mahamad Abbas Khan and several other Mahamadans in the year 1921 in re the pivot-case of Chintamani.

(2) Memorial to His Highness the Maharaja of Mysore presented by Mr Mahamad Abbas Khan and several other Mahamadans in the year 1925 in re the pivot Cases of Kolar and Chintamani.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 8-9- 192 8.

No. 1258/C1S

From

N. MADHAVA RAO, Esq., B.A., B. L.,
Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Special Magistrate,
First Grade, Bangalore.

Sir,

With reference to your letter No.P.R.264/28-29 dated 8th September 1928, summoning certain documents to be produced before the Court at 11 A.M. on 10th September 1928, I am directed to state that the summons was deliver-ed to me at 5-40 P.M. to-day. To-morrow being Sunday, it is impossible to have a search made for the records and obtain orders of Government for their production before the Court on Monday.

I have the honour to be,
Sir,
Your most obedient servant,

Chief Secretary to Government.

Special 1st grade Magistrate
Bangalore

P R no 268
28/29.

Dated Bangalore the
10th August 28.

From

The Special 1st grade Magistrate
Bangalore.

To

M. Madhava Rao Esquire B.A.B.L.
Chief Secretary to the
Government of Mysore
Bangalore.

Please get the orders to OBS copies
issuing & sent
RG
10/9/28

OBD 330 memo
Issue as Secretary the
to refer copy
the Court
RG
10/9/28

Sir,

With reference to your letter
no. 1288/CB dated 8th instant I
have the honour to state that as the
~~Case is posted for hearing tomorrow~~
the documents called for in my
previous Communication may
kindly be caused to be sent to
this Court by 11. a.m. on 11.9.1928.

I have the honour to be,
Sir,
Your most obedient
servant

Special 1st grade Magistrate
Bangalore

1168(CP) Sec 2. 1169 (CP

The Special. First Grade Magte
Bangalore,

Sir,

With reference to ~~your~~ the correspondence ending with your letter no. P.R 268/28-29 dated the 10th Sep. 2 I am directed to state that Mr. . . . . has been instructed to produce the documents noted ~~in~~ in the margin ~~and~~ in his bill ~~to-day~~ tomorrow.

I have etc

Chief Secy. to Govt

10/9/28

1. Memorial presented to His Highness the Maharaja in 1921 by certain Mahomedans ~~Subjects of~~ in connection with Tiptur & Chintamani riots

2. Petition presented on 23-11-28 to the Dewan Sir K. Kantaraj Urs by certain Mahomedans in connection with the Tiptur rioting cases.

10th September 8
11

1269 C&P
Encls 2 depositions.

H. S. Nanjundiah Esq., B.A., B.L.,
Special First Grade Magistrate, Bangalore.

With reference to the correspondence ending with your letter No.P.R.268/28-29 dated the 10th September 1928, I am directed to state that Mr.K.Rangaswami Iyengar, Asst. Secretary, has been instructed to produce the documents noted in the margin available in the Secretariat to-morrow.

1. Memorial presented to His Highness the Maharaja in 1921 by certain Mahomedans in connection with Tiptur and Chintamani riots.

2. Petition presented on 23-11-1920 to the Dewan Sir M.Kantaraj Urs by certain Mahomedans in connection with the Tiptur rioting cases.

I have the honor to be,
Sir,
Your most obedient servant,

Chief Secretary to Government.

B.K.M.

CB 1074.

WD 2665—GPB—50,000—1-6-27

1928. 29

From

The Special 1st grade Magistrate, Bangalore.

To

The Chief Secretary to the Government of His Highness The Maharaja of Mysore

Dated 13.9.28

Despatched 14

Received

General No. Jo no 160

No.

Enclosure No. one file

Sir,

With reference to your letter no 1269 CB dated 10.9.28 forwarding five documents exhibited in R.C. Rangaswamy Iyengar Clerk, Secretariat in connection with his case no 31 of 28/29 on the file of this Court, I have the honour to state that document no 1 memorial presented to His Highness the Maharaja of Mysore in 1921 by certain Mahomedans in connection with Deputy and Chintamani posts, has been retained in

Draft acknd. submd

CJM 15/9

the Spl. First Grade Magte no. 1417 d. 15.9.28

Acks the above.

in the Court as the same has been marked as Exhibit no 8.

The other document is herewith returned and the same may kindly be caused to be acknowledged

I have the honor to be
Sir,
Your most obedient
Servant,
W Daunde
Special 1st Grade Magistrate
Bangalore

ISSUED.

1417/C.B. 07 1579/28

To the Special First Grade
Maste.
Bangalore

Sir,

I am directed to acknowledge receipt of your letter no. 160 dated 14th Sept. 1928 and of the petition returned therewith.

I have etc

Chief Secretary to Govt

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

ISSUED.

No 3123/CB Date 2/1/29

To

The Spl I Grade Magte

Bangalore

Sir,

I am directed to invite Refce to the Correspondence ending with your letter No. 160 dt 14.9.28 and to request you to kindly return the ~~photo~~ marginally noted document which was retained in your Court as an exhibit in connection with the Security Proceedings Case, if it is no longer required.

~~(2)~~ Memorial presented to H.H. in 1921 by certain Mohamedans in connection with Tipu & Chintamani Riots

I have etc

WD 2230—GPB—1,00,000—23-7-20

dcs 5/1/29

for Chief Se

1928·29

From

The Special 1st Grade Magistrate Bangalore.

To

The Chief Secretary to the Government His Highness the Maharaja of Bangalore

Dated

Despatched 9.1.29

Received

General No. 393
No.

Enclosure No. Two.

Sir,

With reference your letter no 3127 dated 6th January 2[illegible] have the honour to [illegible] the document (M[illegible] presented to His Hi[illegible] in 1921 by certain [illegible] in Connection with [illegible] and Chintamani [illegible] as required in their

I have the honour Sir,

Your most obedt Servt

Special 1st Grade Bangalore

DB 9/1/29.

The document has been sent back. If appd. This will be re-stitched into the Collection after perusal

DB 9/1/29 Mys

B